
ANNALS

OF

THE CONGRESS OF THE UNITED STATES.

SIXTEENTH CONGRESS—FIRST SESSION.

THE
DEBATES AND PROCEEDINGS



IN THE
CONGRESS OF THE UNITED STATES;

WITH
AN APPENDIX,
CONTAINING
IMPORTANT STATE PAPERS AND PUBLIC DOCUMENTS,
AND ALL
THE LAWS OF A PUBLIC NATURE;
WITH A COPIOUS INDEX.

SIXTEENTH CONGRESS—FIRST SESSION:
COMPRISING THE PERIOD FROM DECEMBER 6, 1819, TO MAY 15, 1820,
INCLUSIVE.

COMPILED FROM AUTHENTIC MATERIALS.

WASHINGTON:
PRINTED AND PUBLISHED BY GALES AND SEATON.
.....
1855.

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

the United States, for the slaves were considered and protected as property on both sides of the Spanish line, and the emigrants from the United States found the additional quantity of granted land they could acquire for every slave, made their removal advantageous. Who, then, under these circumstances, would have thought the property of slaves insecure by the provision in the treaty for the maintenance and security of property? Anterior to the treaty of cession the citizens of the old United States received large sums of money for slaves sold and transported by the avenue of the Mississippi to Louisiana; and had the treaty preserved a total silence, with regard to the protection of property, it would be irreconcilable with justice that we should first sell those slaves to the inhabitants, and, after securing the price, proceed to emancipate them, or lessen their utility or value by emancipating their descendants. We are asked to bind, limit, or manacle the proposed State of Missouri. Are we to do so because we are more trustworthy respecting their own interests than themselves? We have legislated over the people of that Territory for seventeen years, and, during all that time, our humanity slumbered. We suffered slaves to pass the Mississippi, and thereby enhanced the price of our lands; and, in proportion as we anticipate the closing the land sales, and the cessation of our interest in permitting slaves to go, our humane sympathies are excited until we at last become so willing to prohibit slavery that we contemplate a new sort of State, with only a portion of the features and capacities retained by the other parties to our great compact.

I will now give attention to what gentlemen who favor the restriction have urged, on the score of precedent. They say they are authorized, from the restrictions imposed on Ohio, Indiana, and Illinois, to build the power of Congress to adopt the amendment of the gentleman from New York on precedents. Precedents may be useful to impart to free government uniform and steady nerves, and to guard against the encroachments of prejudice and passion. There can, however, be no precedent in relation to the powers of our national compact of such antiquity as to acquire any great portion of authority when unaccompanied by demonstrations of their orthodoxy; for the Constitution was only adopted in 1787, since which, and until this Winter, the history and journal of the Convention have been secret. But, in subscribing to the authority and utility of precedents, it should be remembered that they are not to transcend their legitimate sphere. When a jurisdiction, power, or authority, is found or known to exist, precedents are interposed, that it may not be perverted by the use of arbitrary discretion; but this jurisdiction or power must be shown to exist before we admit its need of precedents for its regulation. An attempt is here made, not to regulate the powers and business of Congress by precedents, but to derive those powers also from the same source. If precedents were lawful weapons in accomplishing such an object, how easy would be the task of showing that the State Legislatures could pass bankrupt laws, which they have always done, although the

supreme tribunal has lately declared a different opinion? How easy also might the obligation of the State magistrates and judges to execute the laws of the Union be established, although denied by the most respectable authorities in the States? Indeed, the admission of precedent as authority on such topics would ripen the confederacy into that condition, at no very distant period, in which it might be asserted that the powers of Congress, like those of the British Parliament, had their base in precedent, and not in the grants of our written Constitution. I am, however, wrong in wasting time in exceptions against the improper use of precedents; for, with the admission that precedents could as well have place in giving birth to political power as in the regulation of confessed powers, the restrictionists will acquire nothing serviceable to them, because precedents are in no case valuable unless considered as adjustments, on mature deliberation, of contested questions; whereas, the people of Ohio, Indiana, and Illinois, having consented to all the regulations sought for by Congress, and those regulations being called into existence, as it were, by their request, the question of the power of Congress was not disputed or discussed. It is admitted that the people of Missouri are unwilling to be restricted, and the question now first presents itself as to our Constitutional power to impose the restriction without their consent.

The view which I have submitted suffices, in my humble opinion, to show that the position assumed by the restrictionists is not susceptible of aid from precedents, and if it was, that there are no legitimate or proper precedents to aid it; and here I would be willing to rest this topic, were it not for the strange and objectionable inferences which gentlemen strive to deduce from the ordinance of 1787, for the government of the territory northwest of the Ohio river. The fourth section of that ordinance declares "that certain articles shall be considered as articles of compact between the original States and the people and States of that Territory, and forever remain unalterable, unless by common consent:" and the sixth article declares that "there shall be neither slavery nor involuntary servitude in the territory."

Gentlemen insist that this article restrained the people of Ohio, and the other States formed in that Territory, from adopting any provision inconsistent with it in their State constitutions, without the consent of Congress, and at the same time afforded an instance of the authority of Congress thus to restrain the new States. This aspect of the ordinance is certainly plausible at first view, but not dangerous; for the idea of a power in Congress not only to impose on the people of a State a constitution not dictated by, or growing out of the federal compact, but to impose such arbitrary constitution on a people before they have sprung into existence, as was the case with regard to the then future or expected communities of Ohio, Indiana, and Illinois, is apt to shock the imagination, and stimulate such further inquiry as must obviate the error.

I contend that the sixth article of the ordinance, whatever be its mode of expression, was temporary

in its operation, and only intended to be adopted for the government of the Territory whilst a territory, dependent on the legislation of Congress, and would have been no part of the State constitution of Ohio, unless by the free adoption of the people of that State. To give it this interpretation consists both with the obligations of Congress and the peculiar relation between Congress and the Territory. It will consist, in the first place, with the obligation incurred by Congress in the acceptance of the cession of the territory from Virginia, the deed of cession having provided that the States to be formed in the Territory should be distinct, republican States, and admitted members of the federal Union, having the same rights of sovereignty, freedom, and independence, as the other States, which they would not have, unless permitted to govern themselves in all respects where not restrained by the federal obligation. I say, in the second place, that the interpretation I give best consists with the relations which existed between Congress and the Territory; for the communities forming in the Territory, being destined for free States, and Congress having only a temporary power over the Territory, it was not presumable that Congress, in such circumstances, could desire to make an everlasting regulation—no, not even by the consent of the people, who were not then in being, or in a condition to do any thing which would bind the future people of the country, assembled in convention.

Permit me now, sir, to beg a more particular examination of the ordinance of 1787, and a view of its parts in their just distribution. The ordinance comprehends—

- 1st. A constitution and bill of rights;
- 2dly. Provisions for the creation of new States;
- 3dly. A recognition of the mutual interests and relations which shall subsist between the new States and Congress.

The first two parts, the constitution and bill of rights, and the provisions for the birth of new States, were intended as temporary regulations. The third, or the part in relation to the respective or mutual interests of Congress and the new States, was to remain perpetual.

1st. The ordinance comprehends a constitution and bill of rights. The constitution is found in the erection of a Territorial government. In prescribing the respective departments of that government, as that there shall be a Governor, to be appointed by Congress, who should have the appointment of magistrates and civil officers; that there should be a General Assembly, to be elected by the free white male inhabitants of the counties and townships, to serve for the term of two years; that there should be a Legislative Council, to consist of a certain number, and appointed as therein prescribed; that the Council and General Assembly should have legislative powers, subject, however, to the negative of the Governor; that there should be a secretary, judges, &c.; that there should be no law affecting private contracts, nor contrary to the ordinance, &c. Here, then, we have a Territorial government, with legislative, executive, and judiciary powers; but the ordinance affords

more. The framers of this Territorial constitution were men fashioned after the manners and notions of our English ancestors, who have always conceived that a grant or recognition of legislative power should be accompanied by a *magna charta*, or bill of rights, declaratory of certain fundamental principles, by which those intrusted with such important power should be guided. They therefore furnish in the ordinance a bill of rights, which, like similar declarations theretofore adopted by many of the States, was an imitation of the declarations of *magna charta* and of the bill of rights of the first year of William and Mary. We accordingly find it provided that the people shall be entitled to the habeas corpus, trial by jury, representation, judicial proceedings according to the course of the common law; that bail should be allowed, fines be moderate, cruel or unusual punishments not inflicted; that no man should be deprived of liberty or property but by the judgment of his peers or the laws of the land, &c.

2d. The ordinance has provisions for the creation of new States, which are found in the fifth article, prescribing the time and circumstances in which the new States should be formed.

3d. The ordinance contains a recognition of certain relations of interest between the General Government and the new States, which is found in the 4th article, and were intended to remain perpetual. But an examination of the provisions of the 4th article (which all will agree was to be perpetual) will prove the just caution of Congress in abstaining from all pretence of binding those people after the period designed for their emancipation. For these perpetual provisions are mere declarations of the obvious rights and obligations which would at all events have governed their mutual relations, if not inserted in the ordinance, although expressed to remove doubts and give assurances to those who might feel concerned; such as, that the new State should forever remain a part of the Confederacy; that the inhabitants should contribute their portion of the national debt; that the new States should not interfere with the primary disposal of the soil, or tax the lands of the United States; the clause also declaring that the navigable rivers should be common highways, was the proper result of the 4th article of the old act of confederation of the States.

That so much of the ordinance as I have designated under my second head, which prescribes the time and manner in which the new States shall be formed, was intended to be temporary, and expire with its execution, whenever the territory became competent to form a State government, will not be questioned.

That so much of the ordinance contained under my first division as created a constitution for the territorial government, was only intended as a temporary provision, is also evident, as no one will contend that the territorial constitution and departments could continue after the formation of a State constitution and government. That so much of the ordinance (arranged also under my first head) as is resolvable into a bill of rights, is temporary with regard to duration, would seem to follow the

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

admission that the territorial constitution was temporary, especially if I am right in supposing (as I have done) that the object and use of the bill of rights was a declaration for greater certainty of the great principles which was to govern the exercise of the powers granted by the constitution. The bill of rights would then only retain its being, whilst the constitution, to which it is a predicate, remained in force, which would of course be during the continuance of the territorial government, and no longer. But, as my immediate object now is to arrive at the result that the bill of rights was not binding on the people of Ohio after the competency to form a State constitution, my purpose will be as well accomplished by the suggestion of an idea not so intimately connected with duration.

Bills of right, or declarations of right, have been resorted to by our ancestors, to secure themselves against the abuse or oppression of legislative or executive authorities. They were the bonds of the sovereign, held by the people, as a fence against him. They conferred no legislative or executive powers; but, as far as they operated, constrained those powers. They differed from our modern American constitutions, as an imperfect does from a perfect right or obligation, or as a moral obligation is different from a legal obligation; for if the bill of rights was transcended, the excess was morally wrong; but, if the constitution be transcended, its legal operation is felt by annulling the excess of authority.

As a bill of rights imposes no obligation, except on the Government, none other can violate it. The people can violate no obligation in relation to it, for they are under no such obligation. It is a schedule of their rights, not of their duties; those rights which our ancestors were used to say "doth appertain to the people of this realm." Who ever heard of the people being bound by a bill of rights?

Gentlemen will have observed that the threefold division to which I have resorted is sufficient to comprehend the whole of the ordinance of 1787; and we have only to inquire to which of the three respective heads is the 6th article, inhibiting slavery, referable. It is not referable to the third head, which comprehends those interests, claims, and obligations, which arise out of the relations between Congress and the new States. The obligation to discharge a portion of the federal debt, to exempt public lands from taxation, and open the navigable rivers to the whole continent, &c., were objects affecting the permanent relations to the General Government; but whether slavery should exist in that country, like the provisions of the habeas corpus, jury trial, &c., only concerned that temporary connexion springing from, and consequently expiring with, the territorial dependency.

I have, moreover, shown, that, in adjusting all other relations of interest and obligation between Congress and the new States, (which class of provisions I admitted to be perpetual,) Congress confined themselves to a mere declaration or recognition of rights and duties; which would have existed although the ordinance had been silent. If, therefore, the 6th article, containing a new and authoritative mandate, be forced in the same class, it

would furnish a manifest anomalism. The inhibition of slavery has no connexion with the second division of the ordinance, which only regulates the creation of new States. But the first head comprehends the inhibition. It is either a part of the constitution or of the bill of rights found in the ordinance, nor is it material which; for, if it be a clause of the constitution, its operation was to restrain the territorial legislature from the toleration of slavery, and expired with the government to which it gave limits. But, if it is to be considered a portion of the bill of rights, it expired with the extinction of the powers to which it was annexed as a restraint, whether we are to look for those powers in the territorial government, or in the temporary authority of Congress to legislate over the country in its territorial grade, and, indeed, as an article of the bill of rights, never had any force against the people themselves.

The preamble to the articles in the ordinance expresses the motives to be, for extending the fundamental principles of civil and religious liberty, which form the basis whereon these republics, their laws, and constitutions, are erected; to fix and establish those principles as the basis of all laws, constitutions, and governments, which forever hereafter shall be formed in the territory, &c. And this preamble, which good men might call a declaration of the sense of Congress on the fundamental rights of a people who stood there in the grade of colonists; which bad men would denominate a mere flourish; and which, at all events, was not intended to have any effect, as it contains nothing like an enacting clause or precept; has, nevertheless, been pressed into the service of our opponents, as a proof, that the articles of the ordinance, thus prefaced, became part of the constitutions of the States to be thereafter formed in the territory by a people who, as yet, had no existence. The Congress possessing but a limited and temporary authority, might exercise that authority with exalted and commendable views, or, indeed, might form an expectation that its temporary authority could be so exercised, during the infancy of the western settlement, as to incite moral sentiments and habits in the people, calculated, in the end, to produce a relish for institutions which were considered desirable by men of fashion in the political world. But Congress knew, that it could not, in the exercise of its most enlarged powers, pass laws to be irrevocable by its successors, much less by the people in convention. Congress, during the colonial condition of the territories, claimed and exercised the power of changing or modifying the constitutions of the territorial governments, instances of which are found in the acts of February 26th, 1808; March 3d, 1811; and May 20th, 1812. It was, therefore, politic to afford emigrants an assurance that no change of constitution should be made, except on the basis of certain principles. This assurance is given by Congress, being one party, and was obligatory on that party. The preamble speaks of laws and constitutions, considering them as synonymous. It immediately follows the constitution made by Congress for the territory, and evidently had no relation to State

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

constitutions, for the contemplated States are not referred to in the preamble, nor had they been mentioned in any previous part of the ordinance. The preamble declares that the articles of the ordinance shall remain unalterable forever, unless by common consent. Yes, forever, if you please; for there are rights and interests depending on the force and obligation of the temporary laws of Congress, which must live forever; such are the grants of land, and promises of public advantages to the inhabitants. But with whom did Congress make this compact of several articles? The ordinance answers the question: "With the inhabitants of the territory, and the future States to be formed therein," for so it says. Such of the provisions, then, as, from their nature, could only be applicable to the territory, and such as were expressly applied by Congress only to the territory, would, of necessity, expire when the territorial government should cease to exist, whilst such provisions as were applicable to the future States would remain. An attention to the phraseology of the articles of the ordinance, sufficiently manifest, in the recital of the successive provisions, which are applicable to the territory and which to the States. Thus, the clause requiring the payment of a portion of the federal debt of the Union, expressly speaks of the people of the territory, and also of the new States. The inhibition against interfering in the disposal of the soil, not only speaks of the territorial government, but of the new States. In the recognition of the subjection of the people to the old Confederacy of the Union, not only the territory, but the States to be formed therein, are spoken of. But, turn to the provisions of articles of the ordinance which I have insisted are temporary, and in the nature of a bill of rights, and mark the difference in phraseology. As when the habeas corpus, jury trial, &c., are secured, and excessive bail, cruel punishment, &c., prohibited, the inhabitants of the territory are only mentioned; not a word is there said of new States. Turn, also, to the 6th article which inhibits slavery; it speaks of the territory, and says not a syllable of new States.

I have not intended to dwell upon other objects connected with this question, because, being convinced that Congress has no power to impose the restriction, and that, if it had power, a reference to the faith of solemn obligations would compel us to negative the present attempt, it would seem superfluous, if not idle, to travel into the expediency of the measure. But, if the Constitution of the United States and the French Treaty are both in favor of the power you now attempt to exercise, it would remain for the friends of this Government to decide on the policy of restraining the liberty of the people and States, by a too copious use of powers which have hitherto been dormant. Any attempt to reform the manners or character of the people, by extirpating slavery, or by other means, will, at any time, be found a task, the performance of which will bring us into collision with long rooted prejudices, as well as local jealousies, and must draw the Government from that lofty and impartial stand which it ought to sustain

as the arbiter of differences between the respective States.

Is there not as great danger to this Government itself, from the intemperate use of Constitutional powers, as from the infraction of that instrument? The first abuse must be borne, until its continuance engenders against government a spirit of distrust, or indeed enmity, whilst the last is apt to be corrected either by the judiciary, or a full investigation of the Constitution. The Old Congress, in adopting the ordinance for the government of the Northwest Territory, were tempted by moral considerations, in relation to slavery, which can have no weight with us, for Congress having now the undoubted right to prohibit the importation of slaves, can, by the due exercise of that right, make it immaterial (on the score of the increase of slavery,) whether slaves are removed to the new, or retained in the old States. But the States under the old Confederation, had a right to import slaves from Africa or elsewhere; and the Congress, by shutting the Western market against their admission, exercised its only mean of retarding the increase of slaves in the country.

A gentleman from Pennsylvania (Mr. SERGEANT) says the inhibition of slavery in the territorial ordinance was the result of compromise. He has, however, failed to prove this assertion; nor can I conceive how the inhibition could have sprung from compromise, or how the gentleman would aid his side of the question by making it a compromise. What was compromised? If it was a concession on the part of Virginia, or the South, what was the equivalent received by the South? Virginia had previously prohibited the importation of slaves, but inasmuch as she could not prevent their importation by other States, she was willing to lessen the demand for them. Virginia, always since 1699, has evinced her anxiety to abrogate the slave trade, and exerted herself most to prohibit the trade at a time when Pennsylvania and other States, now so forward in establishing restriction on Missouri, did not discourage, but rather promoted the importation of slaves. In the second year of George II., and during several years thereafter, whilst Virginia imposed as heavy a duty on the importation of slaves as the Crown, influenced as it was by the British merchants, would permit, with a view to a prohibition of the trade, Pennsylvania imposed a duty, which, reduced to an ad valorem impost, did not exceed about four per centum, by which means this province had a transit duty on Virginia slaves, and eventually kept the trade open between Africa and the country south of Susquehanna, notwithstanding the struggle of Virginia against it.

It is insisted that the admission of slaves in Missouri and the West will open a wide market and encourage the smuggling of foreign slaves, in violation of the laws of the Union. We should be sure of the truth of this anticipation before we act on its basis, and, even when assured of its truth, it would furnish but an eccentric excuse for legislation, in which we would allege our own imbecility and incompetency to prevent an illicit trade, by ordinary means, as an apology for meas-

FEBRUARY, 1820.

Trade with the Indians.

H. OF R.

ures of extraordinary inconvenience and embarrassment to the Southern section of the Union. But, will it be pretended that this Government is incompetent to prohibit the slave trade; unless by these restrictions on States? None are authorized to assume that position until he shall have shown that the other and ordinary powers of the Government have been exhausted without curing the evil. Although Government has done something, it has by no means done its utmost to prohibit the trade. I had the honor last year to submit a proposal to punish those engaged in the slave trade with death; and, although the proposition was adopted in this House, it was rejected in the Senate. Two years since, when gentlemen objected against the bill for the recovery of fugitive slaves that it might afford a cover for kidnapping, I submitted, in connexion with that bill, a section inflicting the punishment of death on the offence of kidnapping. But that punishment was thought too severe; and the House, on the motion of a gentleman from Vermont, struck out the capital punishment, and inserted two or three years imprisonment. The slaveholding State of Virginia has made kidnapping a capital offence, whilst gentlemen from the North, who abhor slavery, cannot be brought to punish that offence otherwise than as a trivial misdemeanor. The laws of the Union to prohibit the importation of slaves have generally left their whole efficacy to the vigilance and virtue of common informers, who would seldom be found to carry prosecutions to a termination in sections of the country where the slave trade was not unpopular. Under some of our laws the trade itself was carried on; one of the Southern States having carried the sale and detention in slavery of a great number of imported Africans, under the express provisions of an act of Congress. Indeed, we were informed last year by the chairman of the committee on the slave trade, that the importation of slaves had been found profitable, even by suffering the laws of Congress to be executed, and submitting to the judgment of the court in prosecutions under them. We are not entitled to talk of the inefficacy of our ordinary powers, or from hence to infer an authority to ourselves incompatible with the interests of many of the States, until we shall have fully exercised those powers, and cured the defects of our past legislation.

When Mr. PINDALL had concluded, the Committee rose, and the House adjourned.

MONDAY, February 14.

Mr. SERGEANT presented a memorial of the Chamber of Commerce of the city of Philadelphia, suggesting many alterations in the existing tariff of duties on imports, and recommending an increase of the duties on French brandies and silks, and that the duties on the wines of Spain and Portugal may be reduced; which memorial was referred to the Committee of Ways and Means.

Mr. RANKIN presented a memorial of James Wilkinson, late a major general in the Army of the United States, detailing his services and sufferings in the cause of his country, from the com-

mencement of the war of the Revolution to the close of the late war with Great Britain, and praying to be indemnified against the effects of a judgment for two thousand five hundred dollars, with costs of suit, recovered against him by General John Adair, in consequence of his having arrested the said Adair in the city of New Orleans, in the year 1806, on a charge of his being concerned in the alleged conspiracy of Aaron Burr; which was referred to a select committee. And Mr. RANKIN, Mr. VAN RENSSLAER, Mr. RINGGOLD, Mr. STROTHER, and Mr. ARCHER of Maryland, were appointed the said committee.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill making appropriations for the military service of the United States, for the year 1820; which was read twice, and committed to the Committee of the Whole to which is committed the bill making appropriations for the support of the Navy during the year 1820.

Mr. SMITH, from the same committee, to which was referred the bill from the Senate, entitled "An act for the relief of Anthony S. Delisle, Edward B. Dudley, and John M. Van Cleef," reported the same without amendment, and the bill was committed to a Committee of the Whole tomorrow.

Mr. SMITH, from the same committee, also reported the bill from the Senate, entitled "An act for the relief of the President, Directors, and Company, of the Merchants' Bank of Newport, in Rhode Island," without amendment; and the bill was committed to the Committee of the Whole last appointed.

TRADE WITH THE INDIANS.

Mr. SOUTHARD, from the Committee on Indian Affairs, reported a bill to continue in force, for a further time, (until the 3d of March, 1821,) the act establishing trading-houses with the Indian tribes; which, being read twice—

Mr. S. observed, that, as the bill contained no appropriation, and as the act which it proposed to continue in force would expire on the first of next month, he moved that the bill be ordered to be engrossed and read a third time.

Mr. WALKER, of North Carolina, moved that the bill be committed to a Committee of the Whole House.

Mr. SOUTHARD could see no reason for its taking this course. As he had observed, the act would expire on the first day of March. If this bill went to a Committee of the Whole, it would be a long time before it would be reached on the orders of the day. This delay would allow the act to expire, which would be very injurious to the public interest, as it would derange the whole of the existing system of Indian trade, &c.; and unless the gentleman from North Carolina had some new system prepared, or some changes to propose, it would be useless to retard the present bill, and produce the injury and confusion which would ensue if the existing act were to expire without timely legislation, &c.

Mr. WALKER's motion was rejected by a large majority. He then moved that the bill be laid on

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

the table; which motion was lost—ayes 10—and the bill was ordered to be engrossed and read a third time to-morrow.

THE MISSOURI BILL.

The House then again went into Committee of the Whole on this bill.

Mr. CUSHMAN addressed the Chair as follows:

Mr. Chairman: I rise, not with the expectation of giving any new light, but, as a representative of the people, to acquaint them with the reasons which will influence the vote which I shall give. The gentlemen who have preceded me have entered deeply into the subject; I shall but touch on the surface. They to facts added embellishment; I come before you with a plain, unvarnished tale. They gave you a sumptuous feast of substantial viands; mine is the humbler office to regale you with the whips and tarts, and the lighter materials of the entertainment. Those gentlemen have condensed their arguments; I must be indulged in a decent range. They address you from the fullness of their intellectual funds; I profess to have premeditated. They, by mingling the pleasant with the useful, carried off every vote; I, superficial in matter, and barren of facts, shall think myself happy to obtain a solitary suffrage.

I rose, sir, with diffidence, and I almost repent the rashness of the attempt to mix in the debate. With a sensibility unprotected, I have entered the combat with the Goliaths of the Capitol, clad as they are in heavy armor, and defended by coats of mail. To their ponderous lances and massy spears, I have no weapons to oppose but my stone and sling, my arrow and bow. I seek honorable warfare; and this, from the generous and gallant spirit of my antagonists, I am sure to receive. If, at any time, I should draw my bow at a venture, an arrow hurled by my feeble arm can never wound any King in Israel.

With the embarrassments which are incident to the occasion, I mingle regret. I regret that one of my honorable colleagues should have exerted so much of his ingenuity on a cause viewed by his constituents and mine with emotions not the most complacent. With this regret mingles astonishment. I am astonished that he should labor to brand an attempt, as wise as it is patriotic, to prevent the further extension of slavery with infamy; that, to render this attempt peculiarly odious, he should liken it to certain proceedings in the East, which, to say the least, were as injudicious as they were abortive; but, in his opinion, fraught with the most deleterious mischiefs. My worthy colleague, as well as myself, was born near the place where, as he facetiously stated, the pilgrims agreed to be "governed by the laws of God till they could make better."* I believe, sir, the laws of God are still in force in the place to which he alluded, and that they still have influence on the hearts and lives of the descendants of those pilgrims. His ancestors, as well as mine, were attached, sincerely attached, to the vital principles

of liberty and the equal rights of man. They gave justice and humanity, as well as truth, a high rank among the social virtues.

Should we depart from their principles of liberty and of rectitude, their spirits would be uneasy in the abodes of the blessed; they would regard us with the emotions of indignation, and be troubled at the degeneracy of their sons.

It is, sir, painful to me to remember that my native State has erred. I can derive no consolation from exposing to public view her aberrations. It is not decorous in a son to behold the nakedness of a father. It is filial to turn his back on parental failings, or approach with reverence, and cover them over with some well-wrought veil. I cannot view with complacency any attempts, from whatever quarter, to degrade Massachusetts in the estimation of the public. Indulge me, sir, in an expression of respect. What I shall say will be but a short episode connected with the principal subject. Massachusetts, sir, is the place of my birth. There are the sepulchres of my fathers, for six generations. There is my *alma mater*.

"Centum complexa nepotes,

Omnes calicolas, omnes supera alta tenentes."

There did I spend the halcyon days of youth in acquiring, as I trust, some useful knowledge. There, in company with kindred spirits, I have enjoyed the "feast of reason and the flow of soul." And there have I formed some of the purest friendships which the heart owns and the understanding ratifies.

Massachusetts has much to command the respect and affection of all her descendants. The Goddess of Liberty, if not born there—there she was rocked in the cradle. There she received her nourishment. There she attained her fair proportions, her harmony of features, and her elegance of stature; her beauty of countenance, its expression and bloom. There she unfolded her charms. There she held her seat with the emblems of her state, the ensigns of her power. There were her arms—there her chariot, her sceptre, and her crown. There she still rules, in the hearts of an enlightened people, who acknowledge, with gratitude, the wisdom, the justice, and the beneficence of her reign. Time was, when Massachusetts stood so high in the estimation of the States, that no one dare mention her name but with honor. In statesmen, patriots, and sages, she might vie with any State in the Union. If Virginia had her WASHINGTON in the field, Massachusetts had her ADAMS in negotiation. Nor is our country more indebted for her independence to the martial achievements of the one, though glorious, than to the diplomatic skill and firmness of the other, equally glorious. Massachusetts, sir, has not lost all her original brightness. The recent spots on her character ought to disappear in the splendor of her former renown.

In advocating the claims of Missouri, arguments have been addressed to our sympathy. At the word sympathy I turn my attention to the extreme east. *Hinc illæ lacrymæ*—there I behold matter for tears. Maine! ill-fated Maine! The story of her woes would make the angels weep! Yet there are those who, owing to her favor their honors and station, seem to be unmoved at her misfortunes.

* Mr. Holmes applied, by mistake, this simple inconsistency to the Fathers of Plymouth.

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

Wrapped up in universal patriotism, they find no room in their breasts for partial attachment; and, insensible to real sufferings, reserve all their tears for scenes of fictitious distress. I see nothing more in the wild foxes* of Missouri, than the grazing animals of Maine, to move our sympathy, except their sagacity and art.

It is not my design, sir, as I proceed, to avail myself of the auxiliary of religion or conscience in my cause. Under the specious garb of religion, much that is evil has been done to the world. And conscience is a convenient hobby-horse, on which, when the politician is mounted, he usually ascends so high into the ærial regions, that he loses sight of all terrestrial objects. Not by the floating notions of the head, nor by the fervid sensations of the heart, but by the sound maxims of wisdom, must we legislate. Not the abstractions of metaphysics or the visions of philanthropy, but the Constitution, and the treaties made by its legitimate authority, and become the supreme law of the land, and the safety of the people, must be the guides of the statesman.

The Constitutional right of Congress to impose the restriction in question, has been so perspicuously illustrated and evinced by honorable gentlemen from Pennsylvania, (Mr. HEMPHILL and Mr. SPRAGUEANT,) as well as an honorable gentleman from New York, (Mr. TAYLOR,) whose talents and patriotism would do honor to any cause or nation, that any attempt to afford strength to their arguments, may seem a useless effort; nevertheless, as the whole force of the enemy is made to bear on this citadel of our power, I shall direct some of my force to this point. Here we must take our defence. If driven from this stronghold, we must surrender at discretion. I believe, however, that this fortress, if ably defended, will be impregnable; that it cannot be carried either by force or storm, by artful manœuvring or direct attack.

I preface the observations which I am about to make, by saying, that, as the organs by which we perceive, are not equally perfect in all men, and that, as no language in which ideas are conveyed to the mind is so precise and definite as in all cases to preclude all uncertainty or doubt as to the meaning of written instruments, statesmen, equally honest, equally intent on the public weal, in reasoning on these instruments, may draw different inferences and come to different results. Not only do our ablest lawyers differ in opinion in their construction of the same statute, but our learned judges, with minds the most luminous, comprehensive, and discriminating, and liable to no undue bias, are not always united in one and the same opinion, on cases growing out of the laws, treaties, or Constitution. For men to differ in opinion is so common, on interesting questions, that it ought not to cause any surprise. We ought rather to weigh each other's argument in an impartial scale, judge with candor, and deem those not as enemies, but friends, to the country, who put constructions on the Constitution different from our own.

* A gentleman in his delivered speech, used this term.

With respect to the explanations to be given to the provisions of the Constitution, there are some helps and guides. These are the definite objects which the people had in ordaining and establishing the Constitution, and the general powers which it grants. What are these? The object is thus defined: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution."

Among the general grants of powers are these: Congress shall have power to lay and collect taxes, duties, imposts, and excises: Congress shall have power to pay the debts of the nation, and provide for the common defence and general welfare. Congress shall have power, applies to each and every article and clause of the eighth section as well as to the first. That this is grammatically correct I will not refer gentlemen to the learned President of Transylvania University, (Rev. Horace Holley, formerly of Boston,) but to the pupils under his tuition. This distinguished character, to whom I have alluded, lately shone conspicuously in the East, and is now illuminating a different region, where I trust he will impart some useful notions.* Useful notions of liberty, useful notions of the Constitution, useful notions of government, just notions of science, literature, and the arts; correct notions of language and grammar; elevated notions of religion and morals; and refined notions of manners, decorum, and taste. For, though Kentucky may justly boast of her orators, statesmen, and political economists; yet some of the notions which I mentioned might add lustre to her pre-eminent fame.

That, in a legislative sense, Congress shall have power, applies to all the articles and clauses of the section is to be inferred from the nature of the case as well as from the correspondence to the language used in the preamble, where the expression is more full and definite, and the object more clearly stated. The people here declare that, to "provide for the common defence and promote the general welfare, they ordain and establish this Constitution."

But, if a different construction should prevail, what will gentlemen obtain? If it should be conceded that Congress only have the power to lay and collect taxes, duties, imposts, and excises, and to pay the debts of the nation for the common defence and general welfare, it follows, of course, that the common defence is to be provided for, and the general welfare to be promoted; and that Congress have, for these purposes, the control of the whole revenue of the nation—I contend, sir, for no more.

I am as willing as any gentleman can be to acknowledge that the real sovereign of our country is the people; and that Congress are but the ministers of this sovereign. But this absolute sovereignty resides, not in minute portions or States,

* A gentleman from Kentucky had frequently repeated, and given a peculiar emphasis to the term.

but in the whole people, whose will, expressed by their Constitutional organs, is the law, and must be obeyed. But what rules shall the ministers of the sovereign people observe in the administration of his Government? Certainly his written instructions, in the exercise of a sound discretion in applying general expressions of his will to particular cases, and in adapting to exigencies, as they arise, such measures as best comport with the known character of his Government. When we dissolved our political connexion with Britain, we asserted the power of doing what independent nations of right might do. What may independent nations of right do? May they not of right provide for their common defence and general welfare? If we have not this right it is in vain to boast of our independence. We are still colonies, or at best like some of the minor States in Europe, which, with a nominal independence, are supported and controlled by neighboring kingdoms. Is not such a condition degrading? Does it comport with the high spirit which ought to be cherished by our country? That there should be a sovereign people, and not have the right to provide for their safety and well being, is to me the greatest of all solecisms. And to contend for the right, and deny the power of exerting it, in the only mode by which the people can act, their Constitutional organs, is rendering the right nugatory.

Gentlemen may state extreme cases in order to shock us with the consequences of our doctrine. By this license of reasoning, the most useful truths might be refuted; the most important virtues rendered doubtful. For cases may be supposed in which filial obedience, conjugal affection, and gratitude to benefactors, lose their obligation. If gentlemen are of opinion that Congress have not the power to provide for the common defence and general welfare, because this power may be abused, I know not to what lengths such an opinion would lead them. To reason consistently, they must inhibit to mankind the use of reason and religion—for these may be abused. They must proscribe all that is valuable; they must inhibit to themselves the use of their own extraordinary ingenuity and elocution; for these, too, are capable of being perverted, or exerted in a wrong cause.

Gentlemen also may attempt to excite an alarm by giving an unnatural extent and enormity to the powers possessed by the national Government. They may liken them to the powers conferred on the Consul when the Roman Senate decreed that he should take care that the commonwealth should receive no detriment. For my part I should be alarmed if the Constitution did not confer this power. I should deem it as defective as the old Confederation. I should believe it to be justly described by a learned theologian, (the late Dr. Dwight,) who, as he expressed it, never viewed it but with the emotions which he felt for a child in his first essays to go alone—tottering instead of walking, and frequently falling on the floor for want of strength to manage his steps. I contend that the power which is claimed for the Constitution is inherent in every body politic which has within it the principles of its own preservation. It

is not an attribute, it is essential to sovereignty. This power is conferred on Congress in stronger terms than by the decree of the Roman Senate which conferred power on the Consul. In the literal sense, this decree only gave the power to ward off injuries. But the Constitution is more explicit; in unequivocal language it confers a power on Congress, not only to secure the commonwealth from harm, but also to procure for it good—to provide for the common defence and promote the general welfare.

It was from the defect of the ordinary powers of the Roman Republic that it was so liable to receive detriment, and that, to guard against this detriment, extraordinary powers, on pressing emergencies, were conferred—such as were implied in the decree, or the creating of a dictator. These defects, and the occasional supply of these defects by conferring extraordinary powers, proved the bane of the commonwealth. The people of the United States, deriving wisdom and experience from the misfortunes of others, have guarded against the rocks on which they split. In their civil constitution they have conferred ample powers, competent not only to ordinary, but to extraordinary exigencies. Hence, we may hope for the durability and perpetuity of our Republic.

I do not apprehend contradiction to my positions from candid, enlightened, practical statesmen, versed in the business of legislation, who will have the goodness to understand them. I will succinctly state them. They are these:

All the powers of sovereignty are inherent in the people of the United States. These powers can only be exercised but by the organs of the people, the constituted authorities; and that, in the exercise of them, and their application to particular cases and emergencies, these authorities must be guided by their own judgment and discretion, enlightened and assisted by the spirit and letter of the Constitution, the wisdom of ages and the jurisprudence of nations.

Unless Congress have the right of judging and applying the provisions of the Constitution, Government must be at an end. The Constitution is not capable of self-motion. It must remain a *caput mortuum*—an organized body without a living soul. Some power, not inherent in itself, must give it the breath of life before it can move. Without the power of construction and applying, I have to learn what there is for Congress to do. They must be, not agents, but passive instruments. Would you, sir, have Congress to consult the people in every step they take, and wait for their sense of the constitutionality of every thing they attempt? This were impracticable. Would you have them submit to the dictation of the States? I know of no political hierarchy in the proudest of them that has the high prerogative to dictate to Congress what constructions are to be put on the provisions of the Constitution, or to what cases these shall be applied. I am, sir, a protestant in politics as well as in religion. I claim the right of private judgment for myself and associates, I deny the authority of any *Pontifex Maximus* to define our Consti-

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

tutional creed—to declare to us the *Catholic faith* of our Republic.

The amendment to the Constitution which states, "The powers not delegated to the United States, nor prohibited by it to the States, are reserved to the States respectively, or to the people," forms no barrier to the exercise of the right of Congress for which I am contending. The question arises: What powers are granted and what prohibited?

"Who shall decide when doctors disagree,
And wise casuists dispute, like you and me?"

I say, as before, Congress, in the first instance, must be the judge of their own power; in the second, the people; and, in the last resort, the Supreme Judiciary of the United States. I place the law, constitutionally enacted and sanctioned, above the people. The sovereign himself must be bound by his own law. If Congress err, they err at their peril. And, with all these checks and responsibility upon them, is there any danger to be apprehended from their exercising that sound, enlightened discretion in administering the Government, without which the Constitution must remain a useless, inanimate machine? What rules of construction shall Congress adopt in determining what powers are prohibited, and what granted? That, sir, which is sanctioned by the wisdom of ages, and prevails in our courts of law. In doubtful cases the construction ought to be in favor of the grantee. At the formation of the Constitution the States acted as sovereign. They made grants of power to the nation. In disputed cases the right construction is that which favors the nation. This rule of construction ought to prevail, not only because it is sanctioned by common usage, but for other substantial reasons. While the great States claim powers for themselves, bordering on absolute sovereignty, they are inclined to deny to the nation the power of self-preservation. It is also characteristic of all Federal Governments, however constructed, to have inherent weaknesses or defects. You cannot, with good effect, legislate for States, nor coerce obedience to your authority, without civil war. The safety of our Republic, the peace and domestic tranquillity of the people, demand constructions which give to the General Government a national form and energy. Such constructions are best adapted to give permanency and strength to the system, and secure the blessings of liberty to ourselves and our posterity. There can be no danger from such constructions. I am bold to affirm that the powers possessed by the nation have in no instance been materially abused. They have been uniformly exerted for the common defence and general welfare. Hence, the General Government has become a favorite with the people. They consider it as a nursing father, and cherish towards it a filial reverence and affection. With as much confidence can I affirm, that the disaffection and disturbances which, at times, have existed in our country, have had their origin in the jealousies and ambition of the aspiring States, and were excited and fomented by certain leaders who influenced the counsels and dictated the policy of those

States; and that, but for the artifices of such leaders, there would have been neither insurgency, sedition, clamor, nor scarcely a murmur of disapprobation.

The safety of our Republic, the integrity of the Union, the quietude and harmony of the people, imperiously demand that the proud aspiring States should be taught to know their distance, to lower their lofty crests, to revolve in their humble orbs around the National Government, the sun of the system, and lose their dazzling radiance in the superior splendor of his beams.

I am not, sir, for annihilating the States. They ought to possess full powers to enact municipal laws and to administer municipal justice—to regulate their internal police—to conduct their local concerns. But I deny the right of the proudest among them to interfere with the high prerogatives of the National Government.

On the doctrines of checks and balances, the qualified local sovereignties may be of use in the general system; they may check the National Government, if ascending too high on the wheel of prerogative. But it is to be feared that more frequently will they retard its useful movements. As connected with their own power and importance, as well as from a common sympathy, they may guard the people's rights, and defend their privileges. But more generally will they, like the great barons of the feudal times of Europe, under some colorable pretext of restraining the prerogative of the lord paramount, aim to abridge his legitimate authority, and take from him the power to promote the felicity of the nation. It neither savors of political wisdom nor enlightened patriotism to be over-zealous of power.

I believe, sir, it will appear, from the civil history of the world, that as many nations have lost their independence, and the people their liberty, from the deficiency of power in the governments to provide for the common defence and general welfare, as from the abuse of powers committed to their trust. To what cause shall we trace the misfortunes of Poland, but to the jealousy of the nobles, in denying to the supreme executive of the nation the power competent to provide for the common defence and general welfare? To what is owing the weakness and unwieldiness of Germany, but to the defect of power in the head, arising from the federal ingredients of which the Empire is composed? And in the feudal times to which I allude, how did the people lose their liberties? Harassed by the perpetual strifes, animosities, confusions, and petty wars, of the feudal lords, they, for the most part, threw their weight in the scale of the Crown, and parting with their liberty for safety and protection, took shelter under the shadow of the throne. Like causes may produce like effects; and if ever the people of the United States should depart from our confederated Republic, it will be owing to the turmoils, seditions, insurgencies, and civil commotions, excited and fomented by the aspiring States. The people, wearied out by such turbulent scenes, will part with their freedom for security, and seek peace and quietude under a consolidated government,

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

wielded by a single arm. Unless the exercise of a sound discretion be allowed Congress in applying general provisions of the Constitution to particular cases, I know not, Mr. Chairman, what you have to say in defence of some of the most important measures of the Government. I know not what the advocates of these measures can offer in defence of your military academies or national bank? I know not what justification you could offer to the people of the East for what they suffered by the restrictive system. "Congress shall have power to regulate commerce." But it is only in the exercise of your judgment that you apply the right to regulate commerce to the cases mentioned. Some of our ablest lawyers, whose patriotism and attachment to the Government could not be suspected, uniformly denied the justness of this application.

In fine, sir, I know not what will become of the treaty by which Louisiana was ceded to the United States. "New States may be admitted into the Union." The power here conferred, if you only regard the natural import of the terms, the sense in which they could be understood by the framers of the Constitution, would hardly justify you in purchasing kingdom after kingdom, continent after continent, and placing no bounds to our country but those which limit the globe itself.

Do you inquire, sir, whether, by these observations, I intend a censure? I frankly reply I do not. I approve, I applaud a liberal, bold, manly policy; the policy of WASHINGTON, which raised the genius of our country, and added dignity to the American character. I applaud the statesman or the hero who poises himself on his own magnanimity, and, setting at defiance the vulgar censures of the great, performs noble achievements for the glory and felicity of his country. Such statesmen and heroes are the boast and glory of a nation—its ornament and defence.

From the tenor of the preceding observations, it is obvious that Congress are invested by the Constitution with powers to impose such restrictions on citizens as the common defence and general welfare require, provided there be no express provisions to the contrary.

But is there no barrier to these restrictions arising from treaty? This topic I shall waive, as a further discussion of it would be superfluous. It has been ably treated, and in a masterly manner, by a pre-eminent statesman—a member of the other House—a native of Maine—a statesman whose intellectual endowments are unrivalled but by his moral virtues—whose luminous mind irradiates the nation and reflects a lustre on his native State. [Hon. Rufus King.]

But, conceding the power and right on Constitutional and treaty ground to impose restrictions, have you no scruples arising from a sense of justice, the sacredness of property? Has not every citizen a claim on the Government to be secured in his possessions? Property in our country is sacred. It is guaranteed by the letter and spirit of our laws.

But, Mr. Chairman, how is a black slave to be considered? As property, or a human being? I

believe, sir, neither wholly one nor the other, but partly both. When gain is concerned, the black slave is considered as property; but, when power is in question, he is dignified with three-fifths the attributes of a man. As far as property is to be affected, you ought to proceed with caution. For if, by mere dint of power, you can take away a part, the principle on which you act would justify you in taking the whole; and the citizen might be deprived of one species of property after another, till he had nothing left which he could call his own. Happily, the restriction contended for sanctions no such strides of power—no such injustice. It gives all possible security to property in possession, and provides for the future, that a human being, whatever be his complexion, in the Territory or State of Missouri, shall feel the force of these self-evident truths—that God created all mankind equal, and endowed them with certain inalienable rights—amongst which are "life, liberty, and the pursuit of happiness." Can ingenuity, aided by elocution, fix a stigma on such a just and wise and liberal policy in the opinion of the enlightened world? It is somewhat singular that the gentlemen who are so fastidiously delicate respecting the powers of Congress, should habitually usurp an unwarrantable power over a large portion of their fellow-men. What is your right to make an African your property, but the right of the strongest? By the same right the Barbary Powers make slaves of their prisoners of war. God has no attribute to sanction such injustice, such violation of the laws which he originally engraved on the human mind.

Property itself, sir, if not a creature of the law, by law is modified, restrained, or regulated in its use. In a state of society, respecting many kinds of property, no man has a right to do what he will with his own. It cannot be used by him to the destruction of others: No man is permitted, by law, to set fire to his own house in the midst of a city, however convenient it might be to him to have it consumed. In a number of instances the laws interpose and regulate the property which men have in animals, or restrain or limit their use. If any species of them were becoming noxious to any section of country, or if multiplying them should become hurtful and injurious to the community, laws might be enacted to prevent the mischievous effects.

This reasoning is applicable to every species of property, of every complexion, whether blue, or yellow, or black. If, therefore, you consider your slaves property—and if spreading this species of property over the Missouri would be injurious to the best interest of the nation, as nothing has been stipulated to the contrary, on the principles that regulate other kinds of property, Congress may regulate or prohibit to you the use of this.

The property of the North was under the ban of National Government for years. The embargo and restrictive system not only interdicted to us the use of our property, but cramped our enterprise. They in effect annihilated our property in navigation, and denied to the hardy and industrious their accustomed means of support. Numbers who lived

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

in affluence, and promoted industry, circulating wealth and refinement through the community, were by those measures reduced to comparative poverty and distress. Hence, sir, the loud call on the justice of the nation for a bankrupt law, to restore those who suffered in that common cause to a standing in society; to replace them in situations in which they may be encouraged to exert their industry and enterprise for the benefit of themselves, their families, and their fellow-citizens.

We did not complain then, nor do we now complain of our patriotic privations. We gloried in them, because we believed them connected with the common defence and general welfare. We ask our Western brethren to behold our example, to imitate our patient loyalty, to rival our suffering virtue. Their trials, compared with ours, will in experiment be found light. The little finger of the commercial was heavier than the whole hand of the restriction on slaves. The same power which, by regulating commerce, destroyed navigation, might as legitimately be exerted to prevent a traffic, domestic as well as foreign, as disgraceful to our Republic as it is inconsistent with the first principles of liberty and the inherent rights of mankind.

To the evils of slavery, where slavery exists by compact, there is, perhaps, no adequate remedy. But not to prevent, where there is a power of prevention, is a strange repugnance of practice to theory. And to diminish the whole quantity of an evil by making it more extensive, by increasing it in a tenfold ratio, appears to me worse than that quackery in the boasted art of healing, which, instead of extracting, should scatter the morbid matter of the diseased part throughout the whole frame, till all that was sound should become infected. Respecting the introduction of slavery in the Western territory, the learned aphorisms of the learned gentleman, (Mr. RANDOLPH,) quoted in a learned language, would apply with great pertinence and force; "resist beginnings; an ounce of prevention is better than a pound of remedy."

Where there is a demand for any commodity, there the market will be supplied. Open a profitable sale for slaves in the Missouri, and Africans will be brought there to market by all means, and from all quarters. The shortsighted avarice of individuals will elude all your laws, the activity of your peace officers, the vigilance of your fleets or armies. In opposition to all that can be done, there will be fresh importations, and undersellers in the market, which will defeat the hopes which you indulge of gain. There is no way so effectual to prevent this inhuman traffic, so contrary to all laws founded on the broad basis of universal equality, both human and divine, as to remove all temptation, to render the trade as unprofitable as it is odious. This will be laying the axe at the root of the tree, and giving it a fatal stroke by which it will wither, droop, and die. To remove the temptation, and to render this traffic unprofitable, is in accordance with the policy so early adopted, and so perseveringly pursued, by that society to whom the cause of humanity is indebted for many of its triumphs, and in whose lives the

principles of a pure and benign religion are exemplified; I mean the Friends. As they have the merit of being among the first to concert measures to abolish slavery, they can feel the greater joy in seeing their labors crowned with so much success. For their well directed, unrelenting efforts to unloose the heavy burden, and to break every yoke, they deserve well of mankind, and will, doubtless, receive the benedictions reserved for those who "break the rod of the oppressor and let the prisoner go free."

In the course of this debate, Mr. Chairman, frequent references have been made to the state papers, or history of Vermont. But, stripped of the coloring of the commentators, who have taken the usual license of culling their texts and putting on the gloss, I see nothing of the marvellous in them. What were the claims which the citizens of Vermont set up? Did they ever claim the right to control the Union, or to intermeddle with the high prerogatives of the nation? Did they ever claim the right to dictate to Congress what measures should be adopted, what policy should be pursued, what construction should be put on the Constitution; in what manner its provisions should be applied? Did they ever claim the right to take from the National Government the power to provide for the common defence and general welfare? I believe, sir, that the brave, modest, patriotic citizens of Vermont, for so they ought to be characterized, never made such arrogant pretensions.

All I can find in their history is, the right of self-government asserted, the right of regulating their own internal concerns, by their own authority; of managing the affairs of their own State in their own way. Have these rights ever been denied to any of the States? Have any attempts been made to infringe them? Their bold and spirited language was warranted by the occasion. They had for years existed as an independent State, and aided the United States in the Revolutionary war. They sued for an admission into the Union. Their suit, as they thought, was evaded by vexatious delays. They felt themselves trifled with by those who wielded the powers of the Confederacy. They perceived, or thought they perceived, an equivocal spirit, not consistent with equity or honor. They expressed themselves in the warmest language of the passions. They struggled for years, and, after all, as the price of admission into the Union, had to submit to such conditions as Congress saw fit to impose, one of which was the relinquishment of a large tract of land. Such is the infinite dissimilitude in the two cases, between that of Missouri and that of Vermont, that no inference can be drawn from the one, which can fairly be applied to the other.

Much, Mr. Chairman, has been said about the State rights of Missouri. But, where is the State of Missouri? In what section of the country does it lie? For my part, I know of no such State in the Union. There is none of that name among the twenty-two that compose the Confederacy of States. Inhabiting a valuable Territory, called Missouri, ceded to the United States in full sovereignty, there are citizens, I presume, respectable,

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

worthy citizens, amenable to our Government and laws. But I know not by what authority any portion of citizens, however respectable, can claim the attributes of sovereignty and the State rights, till they are a sovereign State. This would be claiming privileges and immunities, and for non-existences.

When Missouri shall become a State, and be admitted into the Union, she may then talk of her State rights and sovereignty. But, at present, such language is premature. Where State rights exist, there is no attempt of the General Government to interfere with them. The restriction is not to be imposed on a State, but on citizens of the United States. We legislate for individuals, and not for the State of Missouri—no such State is known. The reasonings in favor of the State rights of a non-existing State must be on assumed premises, and the conclusion drawn unwarrantable. They presuppose what does not exist, and they endow non-existence with the rights and attributes of a sovereign. The foundation on which you build, having no solidity, your superstructure, however towering, must fall to the ground.

As connected with the question before you, Mr. Chairman, gentlemen have enlarged on the right of self-government. As applied to a body politic, what do they intend by self-government? Do they mean its right to blindly follow the bent of some ruling passion—the right to trample on the rights of others—the right of a part to give laws to the whole—the right to disturb the peace of the community in pursuit of a favorite object? Self-government, applied to bodies of men, as well as to an individual, includes the control of the passions, their subordination to reason, the guidance of discretion, the submitting to rules and precedents, deriving their authority from inherent fitness, public experience, the established maxims of the times, and the condensed wisdom of ages. Gentlemen, I am sensible, are shocked at the doctrine of precedents. But what will they substitute in their place? Their own opinions, formed on the spur of the occasion, influenced by interest and caprice? This, sir, would be acting from desultory emotions, and not according to method or rule. It would be setting up an *ignis fatuus* in place of the polar star.

Many fine tales are told us about a spirit of compromise, of amity, of accommodation. And, to move us to make sacrifices on the altar of public harmony, the example of the sages who formed the Constitution is set before us in all its allurements. But, sir, what have we to compromise? Or what is your *quid pro quo*? For emoluments and power on your part, will you give us commercial restrictions, inhibitions of a profitable trade? Will you give us the privilege of paying duties on imports without allowing us credit, and of exporting without debentures? Will you give us the pleasure of spilling our blood and expending our treasure in your service, to enhance your importance, and to swell your triumphs? With such gifts, sir, we are already well satisfied—we have had our full share. *Do us justice*, and reserve your bounties for those who need them. On some future emergencies they may be more opportune.

Between the members of Congress and the delegates who formed the Constitution, there is an infinite difference. Out of unequal, unpliant, or heterogeneous materials, made ready to their hands, they had to form a harmonious system. Of course, it became necessary to compare, to adjust, to accommodate, and so adapt, and to dispose of the parts, as to produce a beautiful and magnificent whole. They were delegated for this special purpose, and had the right to compromise. We have no such right. We are not negotiators, but legislators. It is our office, not to make bargains, but to enact laws. We have no legitimate power to buy or sell, or make gain of the people whom we represent, or to transfer any portion of their privileges from one section of our country to accommodate that of another. I believe, sir, that the States, with all their boasted *plenipotence*, never possessed, or delegated their right to commit political sacrilege or *simony*.

We are not the architects, but the superintendents of the civil edifice which the Convention erected. Our general duties are implied in our office. It is our province to keep this beautiful structure of liberty in repair, to preserve its symmetry, and to guard it from all injuries. It would be a breach of trust to suffer any of its apartments to be occupied by those who would sap its foundations, impair its strength, or deface its ornaments.

I have yet to learn, sir, why all this sensibility, this animation, this alarm? why, on the innocent proposition before you, *cry havoc, and let slip the dogs of war*? Are State rights, where no State is, in danger? Is a pure and disinterested regard to the people of Missouri the predominant passion? Are you sure, sir, that your patriotic ardor, your manly zeal, to prevent the encroachments of power, have no spice of ambition, no tincture of avarice? Search, sir, your own breast before you sarcastically comment on our philanthropy and religion. It has been frequently asserted, by gentlemen who are entitled to the highest consideration, that of all curses with which our country is afflicted that of black slavery is the greatest. Why, then, are our attempts to prevent this curse from being entailed on a fair portion of our territory viewed with such abhorrence? Is there more than meets the eye? Do you perceive some hidden mischief lurking under the attempt? Do you perceive wisdom and virtue laboring to strengthen the Union, establish justice, and insure domestic tranquillity? Do you perceive concealed under it the sword and the purse to be wielded by the sound discretion of Congress to provide for the common defence and general welfare? Or do you seem to perceive the movements of a gallant army, conducted by able commanders, whose brilliant achievements have secured peace and prosperity to the country and covered themselves with glory! No wonder you startle, change color, and turn pale. At the glory and felicity of our country, the most stout-hearted of our politicians seem to be appalled.

They see in them a monstrous prodigy, huge, ill-shapen, from which light is departed. They are amazed at the spectacle—the hair of their

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

heads stand erect with horror, and their voice cleaves to their jaws:

“*Monstrum horrendum, informe, ingens, cui lumen ademptum.*”

“*Obstupui, steteruntque comæ, et vox faucibus hæsit.*”

I should, sir, here offer an apology, did I not, in these embellishments of speech, imitate the example of Virginia.* Massachusetts, reprobate as she is, may yet be permitted to hold a taper to the light of the sun.

As the scaffolding of ambition, or as a mere instrument to retain power, I do not advocate the restriction. I seek no victory but that of principle—no triumph but that of the common defence and general welfare. To me it is indifferent by which section of the country the sceptre is wielded, if it be wielded by justice, directed by wisdom, and tempered by clemency.

I care not, sir, by whose counsels the nation is swayed, if by these counsels the public safety and happiness is promoted. I care not what State exerts a paramount influence, if that influence is salutary and benign. If Virginia will always give us a WASHINGTON for President, that ancient and honorable State may enjoy that pre-eminence forever.

In the course of the debate insinuations have been made, which cannot be misunderstood. It would indicate stupidity to misconstrue them. I shall not waste time to repel them, but solicit your attention to a statement which I am about to make.

You have, sir, in your pleasure grounds certain nuisances; in order to prevent their rank growth, you spread them over your farm. And because they are there becoming hurtful, you attempt to disburden your lands by diffusing them over the surrounding country. The people who are to be affected by your attempts to spread such nuisances among them, gently remind you of the unfairness of your proceedings, and point out to you, in respectful language, the injurious effects which must result from your conduct. These you meet with menace, invective, and sarcasm, and pronounce their precautions to prevent a growing mischief, as tinctured with malice aforethought, a deliberate design to accomplish your ruin. Or, Mr. Chairman, you have a seat in Italy, near *Ætna* or *Vesuvius*—you apprehend danger from the eruptions of the mountains; and to guard against the injurious effects, you form machines to extract from these mountains the superfluous lava, and conductors to convey it to the surrounding kingdoms, and thus, to free yourself from fear and alarm, overwhelm all Europe in one undistinguishable ruin.

The calamities, sir, which you are preparing for yourself and posterity, by spreading slavery over the Western world, are beyond calculation; they will be infinite. The pestiferous mischief will take deep root in that luxuriant soil, and vigorously flourish. A black population will over-

flow the land. The sable herds will roll back upon you, carrying death and misery in their train, and become more destructive to the American Republic than were the Goths and Vandals to the Roman Empire. I shudder at the thought of being an instrument of entailing such a pest on my country.

Blind to the consequences of your actions, to the passions of the moment, will you sacrifice the happiness of ages? Perceiving the bowl which contains the deleterious poison presented to the lips of our country, which, if swallowed, will contaminate her blood, and enervate her Constitution, we call, and we call aloud on her, to refuse the potion. For this more than patriotic attempt, this act of filial piety, are we to be considered as designing knaves or honest madmen? To deter us from saving our country from disgrace, debility, and decay, do you present to our senses spectacles the most shocking? Do you assail the ear with the most alarming sounds; the eye with all that is to the sight terrific; the preludes of battle, and the direful results? Are we made to hear and see the clangor of the trumpet, the clash of arms, the dying groans, and garments rolled in blood? Are we forced to behold, in prospective, as the result of our enlightened policy, the waters of some among the largest of our rivers discolored with gore, and their channels choked up by the mangled bodies of the slain? Where, sir, is to be the scene of these horrid transactions, this deplorable catastrophe? On the banks of the Delaware or the Hudson? Most probably those of the Hudson will be preferred, as there imagination has laid the scene of the second Hartford Convention—there the insidious plot to provide for the common defence and general welfare—there the constructive treason against the prescriptive rights of the South.

Heap, sir, from the exuberant fertility of your imaginations, terror upon terror, and cause war and slaughter, and death and carnage, civil commotions, and national convulsions, to pass in review before the eye of fancy; threaten to pour out upon us all the evils of Pandora's box, or to let loose all the plagues of the bottomless pit!—all is in vain. Neither threats nor devices nor manœuvres nor arts crimsoned with blood, will deter us from deliberately adopting and steadily pursuing a wise, equitable, and humane policy, calculated to perfect “the Union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.” I ought, Mr. Chairman, to ask pardon for the frequent repetition of this sentiment. It is music to my ear, though to the ears of others it seems to be more unwelcome than the fame of the hero of Pensacola or New Orleans.

But, Mr. Chairman, I am not apprehensive that these calamities will have any existence but in disturbed imaginations. I entertain a better opinion of the good sense of the people. I cannot believe that any large portion of them, because a momentary passion is not gratified, will desert the standard of the Union. We are liable to be deceived, even by our senses. The eye, the most perfect of them, does not always present the true image of

* A gentleman from that State had made a free use of Latin.

things. The ear is still more fallacious. The feelings excited and expressed here are not the criterion of public sentiment. And, to judge of the common mind by what is witnessed in the Capitol, you are liable to the same deception as you would be to judge of the state of the air, from the wind blowing into a close room through a crevice or aperture. From the loudness or shrillness of the noise, you might suppose that without there were storms, tempests, hurricanes, and tornadoes—"the war of elements and the crush of worlds!" But go abroad and you behold a serene sky, a placid sun, and a salutary breeze, only sufficient to purify the atmosphere from noxious vapors, and to prevent the corruption which all things contract by too much rest.

But, should some *choice spirits* among the people, disappointed in their favorite project, communicate their own ardor and passion to numbers, and excite them to rebellion, what would be the consequence? The whole history of our Republic will inform you. No combinations against the National Government have prospered. It has gained strength in every rencontre. Its arm is not so shortened that it cannot save; its energy is not so impaired that it cannot protect itself or enforce its mandates. That power which authoritatively said to the North *give up*, will with equal effect say to the South *keep back*, and to the West *peace*, *be still!*

But, sir, as imagination is free, I will suppose that, through the arts of the designing, a spirit of disaffection and revolt should be communicated to a large section of our country, and a formidable rebellion raised against the laws enacted by the Supreme Legislature, and sanctioned by the Supreme Judicial authority, and approved by the well-affected people,—what, sir, would be our policy? Think you, that to save our friends in that section, we should interpose—that we should spill our blood and waste our treasure to coerce you to a good temper and submission? No, sir, we should leave you to "reap the fruits of your ways" and "be filled with your own devices." Time and suffering would restore you to soundness of mind, and bring you back to your allegiance.

Those who moved you to treason would be answerable for consequences. All the blood spilt would be on their own heads. They would be responsible for the crimes committed to God, to their country, and to the civilized world.

Attempt no longer to alarm our fears about the safety of the Union. The Union is not a rope of sand—it is a "threefold cord, which cannot easily be broken."

We of the extreme East have evinced our attachment to the Union, even "at times which tried men's souls—when your summer's soldier and sunshine patriot shrunk from danger." On the apprehension of danger to the Union, we rallied round its standard, defended it with our lives and fortunes, and made our breasts its ramparts. What, sir, is our reward? We come to you for a small boon, and that boon is delayed. Missouri, the adopted Missouri, to the prejudice of the true heir, has supplanted us in your affections. This

Missouri, lately an alien from the family, and scarcely of an age to unfold her charms, at the gentlest tap at your door, must be welcomed into your drawing-room with all her menial servants prostrate at her feet, or the whole House thrown into confusion. But Maine, with all the beauty, the bloom, the fragrance, of eighteen, who has been devoted to your service, is received with cruel neglect, and only permitted to pass your threshold on the condition of associating with your slaves. Is this your treatment of a child who has ever been dutiful, and manifested in all her conduct the most filial tenderness and respect? When she asks of you bread, do you give her a stone; when she desires a fish, do you sting her with a scorpion? "*Tantane animis celestibus ira!*"

We justly complain of this partiality to your new favorite—if not an illegitimate, yet of foreign extraction and mixed blood. I speak allegorically and mean no offence. Do you threaten, if Miss —, not in her teens, be not gratified in all her fond humors, to raise disturbances in the family—to sow the seeds of discord among brethren—to set the "father against the son, the son against the father, the mother against the daughter, and the daughter against the mother"—to tear up the foundation of domestic peace? Look, sir, at the consequences of your actions. Count the cost, compute the gain, consider which section of our country has most to lose by secession from the Union, by disaffection and revolt. The North is the region of strength. The Eastern grand section of the Union has wealth and resources. It has valor, patriotism, and an enterprising spirit. It has navigation and commerce. It has a free population—an intelligent, industrious, virtuous people—the nerve, the sinew, the vital principle, the life-blood of a Republic. With these advantages, and wisdom to avail ourselves of them, are we to be driven from our pursuit of the general welfare through menace or fear? Reproach us not with the sterility of our soil; the severity of our climate. The labor, sir, of freemen will make any soil fertile—liberty, any climate delightful. Industry, enterprise, and commerce, lead to wealth, and wealth to power and importance. Need I mention the States which, less favored by nature, in some respects, with commerce, industry, enterprise, have taken an imposing attitude, and commanded the deference of surrounding nations? I refer you to the Venetians and Dutch; I refer you to the English, who, by navigation, commerce, and manufacturing skill, attained to great wealth and splendor, and, at times, wielded the destiny of Europe. I repeat it, therefore, do your utmost, by a disloyal and refractory spirit, to dissolve the Union, and accomplish your object; we have the least to fear.

We are prepared for the worst, though we seek the best. We shall cling to the Union as long as there is the least hope of safety. But if, through the unmanly jealousies, the headstrong passions, the ill-directed ambition of the proud, aspiring States, this Union must be dashed to pieces, we shall not perish. Escaping on some of the larger fragments, of these we shall reconstruct a vessel

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

of State, in which, if not with so much glory, we may be wafted along on a gentle current of prosperity, and enjoy peace, safety, and felicity.

But, sir, the people of the United States have too much good sense, patriotism, and civic virtue, to lose sight, for any length of time, of their true interest, of their substantial glory. There is in them a redeeming spirit. They will never jeopardize the Union to gratify momentary passions, however inflamed or strong. They know, by experience, that the measures of Government, which, at the time of their adoption, have excited the greatest ferment, and caused the greatest agitation, and seemed to be the preludes to national convulsions, in operation have been found to have contributed most to the safety, peace, and glory of the nation. Such was President Washington's proclamation of neutrality, and the policy which ensued, by which our country was saved from an unprofitable and calamitous war. Such was the treaty negotiated by the honorable John Jay, under the auspices of which our country attained to a prosperity unexampled in the history of nations. These, sir, were emphatically the halcyon days of our Republic. And such, without the spirit of prophecy, I believe will be the restriction on slavery in our Western territory. The succeeding, if not the present generation, after the fervor of the moment shall subside, will view, with mingled emotions of regret and astonishment, the present opposition to a measure, which will have become their ark of safety—their rock of defence.

I am not, sir, among the diviners of the times, who imagine that the sun of our glory will go down at noon. I rather predict that it will continue to shine with healing in its beams, and shed on a more extended horizon increased light, and splendor, and joy. Were I to give scope to imagination, I might see in prospective a vast accession of territory, of population, of wealth, and grandeur to our nation. In this prospective view, the Canadas, with New Brunswick and Nova Scotia, allured by the wisdom and beneficence of our institutions, will stretch out their hands for an admission into this Union. The Floridas will become a willing victim. Mexico will mingle her lustre with the federal constellation. South America, in token of fellowship, will burn incense on our Republican altar. The Republic of the United States shall have dominion from sea to sea, from the Atlantic to the Pacific Ocean, and from the river Columbia to the ends of the earth. The American Eagle, in a serene sky, will soar aloft to the stars of Heaven. Fame, with her loudest trumpet, will sound the greatness of our country from pole to pole. The proudest nations of the globe, in admiration of her renown, shall court her friendship. The blessings of our Government shall be felt throughout the world. Its influence shall come down upon all the people like rain on the mown grass—as showers that water the earth. In the plenitude of its power shall the righteous flourish, and abundance of peace, so long as the moon endureth.

Mr. Wood, of New York, followed Mr. Cushman, and advocated the restriction.

Mr. PINCKNEY, of South Carolina, addressed the Chair as follows:

Mr. Chairman: It was not my intention at first, and it is not now my wish, to rise on this important question: one that has been so much and so ably discussed in both branches of Congress: one that has been the object of so many meetings of the people of the different States, and of so many resolutions of the legislatures, and instructions to their members: but I am so particularly circumstanced, that it is impossible to avoid it. Coming from one of the most important of the Southern States, whose interests are deeply involved, and representing here a city and district which, I believe, export more of our native products than any other in the Union; having been also a member of the Old Congress, some important acts of which are brought into question on this occasion, and, above all, being the only member of the General Convention which formed the Constitution of the United States, now on this floor, and on whose acts rests the great question in controversy, how far you are or are not authorized to adopt this measure, it will, from all these circumstances, be seen that it is impossible for me to avoid requesting your permission to state some observations in support of the vote I shall give on a question, certainly, the most important that can come before Congress: one, to say the least of it, on which may depend, not only the peace, the happiness, and the best interests, but, not improbably, the existence of that Union which has been, since its formation, the admiration of the world, and the pride, the glory, and the boast, of every American bosom that beats within it.

In performing this solemn duty, I trust I shall do it with that deference to the opinions of others which it is always my duty to show on this respectable floor, and that I shall be as short as the nature of the subject will permit, and completely moderate. Indeed, in questions of this importance, moderation appears to me to be indispensable to the discovery of truth. I, therefore, lament extremely that so much warmth has been unnecessarily excited, and shall, in the remarks I may make, studiously avoid, what I conceive the decorum of debate ought to enjoin upon every member.

At the time I left, or sailed, from the city I here represent, scarcely a word was said of the Missouri question; no man there ever supposed that one of such magnitude was before you. I, therefore, have, since the serious aspect this subject has assumed, received numerous inquiries on it, and wishes to know my opinion as to the extent and consequences of it. I have candidly replied, that, so far as respects the regaining an ascendancy on both the floors of Congress; of regaining the possession of the honors and offices of our Government; and of, through this measure, laying the foundation of forever securing their ascendancy, and the powers of the Government, the Eastern and Northern States had a high and deep interest. That, so far as respects the retaining the honors and offices and the powers of the Government, and the preventing the establishment of principles to interfere with them, the Southern and Western States had equal inter-

est with the Northern. But, that, when we consider to what lengths the right of Congress to touch the question of slavery at all might reach, it became one, indeed, of tremendous import.

Among the reasons which have induced me to rise, one is to express my surprise. Surprise, did I say? I ought rather to have said, my extreme astonishment, at the assertion I heard made on both floors of Congress, that, in forming the Constitution of the United States, and particularly that part of it which respects the representation on this floor, the Northern and Eastern States, or, as they are now called, the non-slaveholding States, have made a great concession to the Southern, in granting them a representation of three-fifths of their slaves; that they saw the concession was a very great and important one at the time, but that they had no idea it would so soon have proved itself of such consequence; that it would so soon have proved itself to be by far the most important concession that had been made. They say, that it was wrong from them by their affection to the Union, and their wish to preserve it from dissolution or disunion; that they had, for a long time, lamented they had made it; and that, if it was to do over, no earthly consideration should again tempt them to agree to so unequal and so ruinous a compromise. By this, I suppose, Mr. Chairman, is meant, that they could have had no idea that the Western and Southern States would have grown with the rapidity they have, and filled so many of the seats in this House; in other words, that they would so soon have torn the sceptre from the East.

It was, sir, for the purpose of correcting this great and unpardonable error; unpardonable, because it is a wilful one, and the error of it is well known to the ablest of those who make it; of denying the assertion, and proving that the contrary is the fact, and that the concession, on that occasion, was from the Southern and the Northern States, that, among others, I have risen.

It is of the greatest consequence that the proof I am about to give should be laid before this nation; for, as the inequality of representation is the great ground on which the Northern and Eastern States have always, and now more particularly and forcibly than ever, raised all their complaints on this subject, if I can show and prove that they have not even a shadow of right to make pretences or complaints; that they are as fully represented as they ought to be; while we, the Southern members, are unjustly deprived of any representation for a large and important part of our population, more valuable to the Union, as can be shown, than any equal number of inhabitants in the Northern and Eastern States can, from their situation, climate, and productions, possibly be. If I can prove this, I think I shall be able to show most clearly the true motives which have given rise to this measure; to strip the thin, the cobweb veil from it, as well as the pretended ones of religion, humanity, and love of liberty; and to show, to use the soft terms the decorum of debate oblige me to use, the extreme want of modesty in those who are already as fully represented here as they can

be, to go the great lengths they do in endeavoring, by every effort in their power, public and private, to take from the Southern and Western States, which are already so greatly and unjustly deprived of an important part of the representation, a still greater share; to endeavor to establish the first precedent, which extreme rashness and temerity have ever presumed, that Congress has a right to touch the question and legislate on slavery; thereby shaking the property in them, in the Southern and Western States, to its very foundation, and making an attack which, if successful, must convince them that the Northern and Eastern States are their greatest enemies; that they are preparing measures for them which even Great Britain, in the heat of the Revolutionary war, and when all her passions were roused by hatred and revenge to the highest pitch, never ventured to inflict upon them. Instead of a course like this, they ought, in my judgment, sir, to be highly pleased with their present situation; that they are fully represented, while we have lost so great a share of our representation; they ought, sir, to be highly pleased at the dexterity and management of their members in the Convention, who obtained for them this great advantage; and, above all, with the moderation and forbearance with which the Southern and Western States have always borne their many bitter provocations on this subject, and now bear the open, avowed, and, by many of the ablest men among them, undisguised attack on our most valuable rights and properties.

At the commencement of our Revolutionary struggle with Great Britain, all the States had slaves. The New England States had numbers of them, and treated them in the same manner the Southern did. The Northern and Middle States had still more numerous bodies of them, although not so numerous as the Southern. They all entered into that great contest with similar views, properties, and designs. Like brethren, they contended for the benefit of the whole, leaving to each the right to pursue its happiness in its own way.

They thus nobly toiled and bled together, really like brethren; and it is a most remarkable fact that, notwithstanding in the course of the Revolution the Southern States were continually overrun by the British, and that every negro in them had an opportunity of leaving their owners, few did; proving thereby not only a most remarkable attachment to their owners, but the mildness of the treatment, from which their affection sprang. They then were, as they still are, as valuable a part of our population to the Union as any other equal number of inhabitants. They were, in numerous instances, the pioneers, and in all the labors, of your armies. To their hands were owing the erection of the greatest part of the fortifications raised for the protection of our country; some of which, particularly Fort Moultrie, gave, at that early period of the inexperience and untried valor of our citizens, immortality to American arms; and in the Northern States numerous bodies of them were enrolled into and fought by the sides of the whites the battles of the Revolution.

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

Things went on in this way until the period of our attempt to form our first national compact, the Confederation, in which the equality of vote was preserved, and the first squeamishness on the subject of not using, or even alluding to, the word slavery, or making it a part of our political machinery, was shown. In this compact, the value of the lands and improvements was made the rule for apportioning the public burdens and taxes. But the Northern and Eastern States, who are always much more alive to their interests than the Southern, found that their squeamishness was inconsistent with their interest; and, as usual, made the latter prevail. They found it was paying too dear for their qualms to keep their hand from the slaves any longer. At their instance, and on their motion, as will appear by a reference to the Journals of the Old Congress, the making lands the rule was changed, and people, including the whites and three-fifths of other descriptions was adopted. It was not until in 1781, that the Confederation was adopted by, and became binding on, all the States. This miserable, feeble mockery of Government crawled on until 1785, when, from New York's refusing to agree with all the States to grant to Congress the impost, (I am not sure, but I believe she stood alone in the refusal,) the States determined no longer to put up with her conduct, and absolutely rebelled against the Government. The first State that did so was New Jersey, who, by a solemn act, passed in all its proper forms by her legislature and government, most positively and absolutely refused any longer to obey the requisitions of Congress, or to pay another dollar. As there was no doubt other States would soon follow their example—as Pennsylvania shortly did—Congress, aware of the mischiefs which must arise if a dissolution took place of the Union before a new Government could be formed, sent a deputation of their own body to address the Legislature of New Jersey, of which I was appointed chairman. We did repair there, and addressed them, and I had the honor and happiness to carry back with me to Congress the repeal of her act by New Jersey—a State, during the whole of the Revolutionary war, celebrated for her patriotism, and who, in this noble self-denial, and forgetfulness of injuries inflicted by New York on her and the rest of the Union, exhibited a disinterestedness and love of Union which did her the highest honor.

The revolt of New Jersey and Pennsylvania accelerated the new Constitution. On a motion from Virginia the Convention met at Philadelphia, where, as you will find from the Journals, we were repeatedly in danger of dissolving without doing any thing; that body being equally divided as to large and small States, and each having a vote, and the small States insisting most pertinaciously, for near six weeks, on equal power in both branches—nothing but the prudence and forbearance of the large States saved the Union. A compromise was made, that the small States and large should be equally represented in the Senate, and proportionally in the House of Representatives. I am now arrived at the reason for which I have, sir, taken the liberty to make these preliminary remarks.

For, as the true motive for all this dreadful clamor throughout the Union, this serious and eventful attack on our most sacred and valuable rights and properties, is, to gain a fixed ascendancy in the representation in Congress; and, as the only flimsy excuse under which the Northern and Eastern States shelter themselves, is, that they have been hardly treated in the representation in this House, and that they have lost the benefit of the compromise they pretend was made, and which I shall most positively deny, and show that nothing like a compromise was ever intended.

By all the public expenses being borne by indirect taxes, and not direct, as was expected; if I can show that all their pretensions and claims are wholly untrue and unfounded, and that while they are fully represented, they did, by force, or something like it, deprive us of a rightful part of our representation, I shall then be able to take the mask from all their pretended reasons and excuses, and show this unpardonable attack, this monster, in its true and uncovered hideousness.

Long before our present public distresses had convinced even the most ignorant and uninformed politician of the truth of the maxim I am about to mention, all the well-informed statesmen of our Union knew that the only true mode for a large agricultural and commercial country to flourish, was never to import more than they can pay for by the export of their own native products; that, if they do, they will be sure to plunge themselves into the distressing and disgraceful situation this country is in at present.

If, then, this great political truth or maxim, or call it what you please, is most unquestionable, let us now see who supports this Government; who raises your armies, equips your navies, pays your public debt, enables you to erect forts, arsenals, and dock yards. Who nerves the arm of this Government and enables you to lift it for the protection, the honor, and extension of our beloved Republic into regions where none but brutes and savages have before roamed? Who are your real sinews in war, and the best—I had almost said nearly the only—sinews and sources of your commerce in peace? I will presently tell you.

If, as no doubt, you will in future confine your imports to the amount of your exports of native products, and all your revenue is to be, as it is now, raised by taxes or duties on your imports, I ask you who pays the expense, and who, in fact, enables you to go on with your Government at all, and prevents its wheels from stopping? I will show you by the papers which I hold in my hand. This, sir, is your Secretary of the Treasury's report, made a few weeks ago, by which it appears that all the exports of native products, from Maine to Pennsylvania, inclusive, for the last year, amounted to only about eighteen millions of dollars; while those among the slaveholding States, to the southward of Pennsylvania, amounted to thirty-two millions or thereabouts, thereby enabling themselves, or acquiring the right, to import double as much as the others, and furnishing the Treasury with double the amount the Northern and Eastern States do. And here let me ask,

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

from whence do these exports arise? By whose hands are they made? I answer, entirely by the slaves; and yet these valuable inhabitants, without whom your very Government could not go on, and the labor of two or three of whom in the Southern States is more valuable to it than the labor of five of their inhabitants in the Eastern States, the States owning and possessing them are denied a representation but for three-fifths on this floor, while the whole of the comparatively unproductive inhabitants of the Northern and Eastern States are fully represented here. Is it just—is this equal? And yet they have the modesty to complain of the representation, as unjust and unequal; and that they have not the return made them they expected, by taxing the slaves, and making them bear a proportion of the public burdens. Some writers on political economy are of opinion that the representation of a State ought always to be equally founded on population and taxation. It is my duty to believe that these are the true criterions; for my own State (South Carolina) having, in her House of Representatives, 124 members, 62 of them are apportioned to the white population, and 62 on taxation; thus representing the contributions of our citizens in every way, whether arising from services or taxes.

Before I proceed to the other parts of this question, I have thus endeavored to give a new view of the subject of representation in this House; to show how much more the Eastern and Northern States are represented than the Southern and Western; how little right the former have to complain, and how unreasonable it is that, while, to continue the balance of representation in the Senate, we consent to give admission to Maine, to make up for Missouri, they most unconscionably require to have both, and thus add four to the number now preparing, most cruelly, to lift the arm of the Government against the property of the Southern and Western States.

If I have succeeded, as I hope I have, in proving the unreasonableness of the complaints of the Eastern and Northern States on the subject of representation, it would, I suppose, appear extraordinary to the people of this nation that this attempt should now be made, even if Congress should be found to possess the right to legislate or interfere in it. But if, in addition to this, it should be in my power to show that they have not the most distant right to interfere, or to legislate at all upon the subject of slavery, or to admit a State in any way whatever except on terms of perfect equality; that they have no right to make compacts on the subject, and that the only power they have is to see that the government of the State to be admitted is a republican one, having legislative, executive, and judiciary powers, the rights of conscience, jury, a habeas corpus, and all the great leading principles of our republican systems, well secured, and to guaranty them to it: if I shall be able to do this, of course the attempt must fail, and the amendment be rejected.

The supporters of the amendment contend that Congress have the right to insist on the prevention of involuntary servitude in Missouri; and found

the right on the ninth section of the first article, which says, "the migration or importation of such persons as the States now existing may think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation not exceeding ten dollars."

In considering this article, I will detail, as far as at this distant period is possible, what was the intention of the Convention that formed the Constitution in this article. The intention was, to give Congress a power, after the year 1808, to prevent the importation of slaves either by land or water from other countries. The word *import*, includes both, and applies wholly to slaves. Without this limitation, Congress might have stopped it sooner under their general power to regulate commerce; and it was an agreed point, a solemnly understood compact, that, on the Southern States consenting to shut their ports against the importation of Africans, no power was to be delegated to Congress, nor were they ever to be authorized to touch the question of slavery; that the property of the Southern States in slaves was to be as sacredly preserved, and protected to them, as that of land, or any other kind of property in the Eastern States were to be to their citizens.

The term, or word, migration, applies wholly to free whites; in its Constitutional sense, as intended by the Convention, it means "voluntary change of servitude," from one country to another. The reasons of its being adopted and used in the Constitution, as far as I can recollect, were these; that the Constitution being a frame of government, consisting wholly of delegated powers, all power, not expressly delegated, being reserved to the people or the States, it was supposed, that, without some express grant to them of power on the subject, Congress would not be authorized ever to touch the question of migration hither, or emigration to this country, however pressing or urgent the necessity for such a measure might be; that they could derive no such power from the usages of nations, or even the laws of war; that the latter would only enable them to make prisoners of alien enemies, which would not be sufficient, as spies or other dangerous emigrants, who were not alien enemies, might enter the country for treasonable purposes, and do great injury; that, as all governments possessed this power, it was necessary to give it to our own, which could alone exercise it, and where, on other and much greater points, we had placed unlimited confidence; it was, therefore, agreed that, in the same article, the word migration should be placed; and that, from the year 1808, Congress should possess the complete power to stop either or both, as they might suppose the public interest required; the article, therefore, is a *negative pregnant*, restraining for twenty years, and giving the power after.

The reasons for restraining the power to prevent migration hither for twenty years, were, to the best of my recollection, these: That, as at this time, we had immense and almost immeasurable territory, peopled by not more than two millions and a half of inhabitants, it was of very great

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

consequence to encourage the emigration of able, skilful, and industrious Europeans. The wise conduct of William Penn, and the unexampled growth of Pennsylvania, were cited. It was said, that the portals of the only temple of true freedom now existing on earth should be thrown open to all mankind; that all foreigners of industrious habits should be welcome, and none more so than men of science, and such as may bring to us arts we are unacquainted with, or the means of perfecting those in which we are not yet sufficiently skilled—capitalists whose wealth may add to our commerce or domestic improvements; let the door be ever and most affectionately open to illustrious exiles and sufferers in the cause of liberty; in short, open it liberally to science, to merit, and talents, wherever found, and receive and make them your own. That the safest mode would be to pursue the course for twenty years, and not, before that period, put it at all into the power of Congress to shut it; that, by that time, the Union would be so settled, and our population would be so much increased, we could proceed on our own stock, without the farther accession of foreigners; that, as Congress were to be prohibited from stopping the importation of slaves to settle the Southern States, as no obstacle was to be thrown in the way of their increase and settlement for that period, let it be so with the Northern and Eastern, to which, particularly New York and Philadelphia, it was expected most of the emigrants would go from Europe: and it so happened, for, previous to the year 1808, more than double as many Europeans emigrated to these States, as of Africans were imported into the Southern States.

I have, sir, smiled at the idea of some gentlemen in supposing that Congress possessed the power to insert this amendment, from that which is given in the Constitution to regulate commerce between the several States; and some have asserted, that under it, they not only have the power to inhibit slavery in Missouri, but even to prevent the migration of slaves from one State to another—from Maryland to Virginia. The true and peculiarly ludicrous manner in which a gentleman from that State lately treated this part of the subject, will, no doubt, induce an abandonment of this pretended right; nor shall I stop to answer it until gentlemen can convince me that migration does not mean change of residence from one country or climate to another, and that the United States are not one country, one nation, or one people. If the word does mean as I contend, and we are one people, I will then ask, how it is possible to migrate from one part of a country to another part of the same country? Surely, sir, when such straws as these are caught at to support a right, the hopes of doing so must be slender indeed. I will only mention here, as it is perfectly within my recollection, that the power was given to Congress to regulate the commerce by water between the States, and it being feared, by the Southern, that the Eastern would, whenever they could, do so to the disadvantage of the Southern States, you will find, in the 6th section of the 1st article, Congress are prevented from taxing ex-

ports, or giving preference to the ports of one State over another, or obliging vessels bound from one State to clear, enter, or pay duties in another; which restrictions, more clearly than any thing else, prove what the power to regulate commerce among the several States means.

The gentlemen, being driven from these grounds, come then to what they call their great and impregnable right—that, under the 3d section of the 4th article, it is declared, new States may be admitted into this Union by the Congress; and that, by the latter clause of the same section, the Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the United States.

By the first clause they contend, that Congress has an ample and unlimited command over the whole subject; that they can reject the admission of a State altogether, or can admit one, and impose such conditions, or make such compacts with a State as they may please; and that, unless a State accepts the offers they may make, they may refuse her admission. Let us first inquire what the laws of nations call a State. Vattel says, "Nations or 'States are bodies politic: societies of men united 'together to procure their mutual safety and advantage by means of their union. Such a society 'has its affairs and interests; it deliberates and 'resolves in common, and thus becomes a moral 'person, having an understanding and a will peculiar to itself, and is susceptible of obligations 'and laws.'" This is what he calls a State. What do we call one? A territory inhabited by a people living under a government formed by themselves, which government possesses, in a republican form, all the legislative, executive, and judiciary powers necessary to the protection of the lives, liberties, characters and properties of their citizens, or which they can exercise for their benefit, and have not delegated to the General Government, for the common defence and general welfare of an union, composed of a number of States, whose rights and political powers are all perfectly equal; that, among these, one of the most important is, that of deciding for themselves what kind of persons shall inhabit their country, no others being either so capable or fit to judge on this very important point as respects their private happiness as themselves, as they alone are either to suffer or benefit from the injudicious or wise choice they may make; that as the other States possess completely this power, Missouri has the same right; that, if she was inclined, she could not give to Congress the right to decide for her, nor could the latter accept it; that all the inhabitants of Missouri being against the prohibition, to insist on it, is to entirely put it out of her power to enter the Union, and to keep her in a state of colonial tyranny; that, if you can exercise this right, where will you stop? May you not dictate to her the nature of the government she shall have? may you not give her a plural executive, a legislature for six and judges for one year? If you say there shall be no slavery, may you not say there shall be no marriage? may you not insist on her being different in every respect

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

from the others? Sir, if you are determined to break the Constitution in this important point, you may even proceed to do so in the essences of the very form you are bound to guaranty to them. Instead of endeavoring to lessen or injure the force and spirit of the State governments, every true friend of his country ought to endeavor, as far as he can, to strengthen them; for, be assured, it will be to the strength and increase of our State governments, more than any other, that the American Republic will owe its firmness and duration.

The people of Europe, from their total ignorance of our country and Government, have always augured that its great extent, when it came to be thickly peopled, would occasion its separation; this is still the opinion of all, and the hope of many there; whereas, nothing can be more true in our politics than that, in proportion to the increase of the State governments, the strength and solidity of the Federal Government are augmented; so that, with twenty or twenty-two governments, we shall be much more secure from disunion than with twelve, and ten times more so than if we were a single or consolidated one. By the individual States exercising, as they do, all the powers necessary for municipal or individual purposes—trying all questions of property, and punishing all crimes not belonging, in either case, to the federal courts, and leaving the General Government at leisure and in a situation solely to devote itself to the exercise of the great powers of war and peace, commerce and our connexions with foreigners, and all the natural authorities delegated by the Constitution, it eases them of a vast quantity of business that would very much disturb the exercise of their general powers. Nor is it clear that any single government, in a country so extensive, could transmit the full influence of the laws necessary to local purposes through all its parts; whereas, the State governments, having all a convenient surrounding territory, exercise these powers with ease, and are always at hand to give aid to the federal tribunals and officers placed among them to execute their laws, should assistance be necessary. Another great advantage is, the almost utter impossibility of erecting among them the standard of faction, to any alarming degree, against the Union, so as to threaten its dissolution, or produce changes in any but a Constitutional way. It is well known that faction is always much more easy and dangerous in small than large countries; and when we consider that, to the security afforded by the extent of our territory are to be added, the guards of the State Legislatures, which being selected as they are, and always the most proper organs of their citizens' opinions as to the measures of the General Government, stand as alert and faithful sentinels to disprove, as they did in the times that are past, such acts as appear impolitic or unconstitutional, or to approve and support, as they have frequently done since, such as were patriotic or praiseworthy. With such guards it is impossible for any serious opposition to be made to the Federal Government on slight or trivial grounds; nor, through such an extent of territory or number of States, would any but the most ty-

rannical or corrupt acts claim serious attention; and, whenever they occur, we can always safely trust to a sufficient number of the States arraying themselves in a manner to produce by their influence the necessary reforms, in a peaceable and legal mode. With twenty-four or more States it will be impossible, sir, for four or five States, or any comparatively small number, ever to threaten the existence of the Union. They will be easily seen through by the other eighteen or twenty, and frowned into insignificance and submission to the general will, in all cases where the proceedings of the Federal Government are approved by them. And, even in cases where doubts may arise as to the wisdom or policy of their measures, all factious measures will be made to wait Constitutional redress, in the peaceable manner prescribed by the Constitution.

Without the instrumentality of the States in a country so large and free, and with their Government at a great distance from its extremities, there would be considerable danger of faction; but at present there is very little, and, as the States increase, the danger will lessen; and it is this admirable expanding principle or system, if I may use the term, which, while it carries new States and governments into our forests and increases the population and resources of the Union, must unquestionably, at the same time, add to its means to resist and repress with ease all attacks of foreign hostility or domestic faction. It is this system, which is not at all understood in Europe and too little among ourselves, that will long keep us a strong and united people; nor do I see any question, but the one which respects slavery, that can ever divide us.

The question being the admission of a new State, I hope these remarks will be considered as in point, as they go to show the importance of the State governments, and how really and indeed indispensably they are the pillars of the Federal Government, and how anxious we should be to strengthen and not to impair them, to make them all the strong and equal supporters of the federal system.

With respect to Louisiana, Congress have already by their acts solemnly ratified the treaty which extends to all the States, created out of that purchase, the benefits of an admission into the Union on equal terms with the old States; they gave to Louisiana first, and afterwards to Missouri and Arkansas, Territorial governments, in all of which they agreed to the admission of slaves. Louisiana was incorporated into the Union, allowing their admission; Missouri was advanced to the second grade of Territorial government, without the prohibition of slavery: thus, for more than sixteen years, Missouri considered herself precisely in the situation of her sister Louisiana, and many thousands of slaves have been carried by settlers there. To deny it, then, now, will operate as a snare, unworthy the faith of this Government. What is to be done? Are the slaves now there to be manumitted, or their masters obliged to carry them away, break up all their settlements, and, in this unjust and unexpected manner, to be hurled into ruin? If we are to pay no respect to the Constitution, or

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

to treaties, are we to pay no respect to our own laws, by which the faith of the nation has, for sixteen years, been solemnly pledged, that no prohibition would take place, as to slavery, in those States? I have said so much, to show how important it is to the firmness and duration of the American Union, to preserve the States and their government in the full possession of all the rights secured by the Constitution.

I have hitherto said nothing of the treaty, as I consider the rights of Missouri to rest on the Constitution so strongly, as not require the aid of the treaty. But, I will, at the same time say, that, if there was no right under the Constitution, the treaty, of itself, is sufficient, and fully so, to give it to her. Let us, however, shortly examine the treaty. The words are these: "The inhabitants 'of the ceded territory shall be incorporated in 'the Union of the United States, and admitted, 'as soon as possible, according to the principles 'of the Federal Constitution, to the enjoyment 'of all the rights, advantages, and immunities, of 'the citizens of the United States.'" Of these it is particularly observable, that, to leave no doubt on the mind of either of the Governments which formed it, or of any impartial man, so much pains are taken to secure to Louisiana all the rights of the States of the American Union, a singular and uncommon surplussage is introduced into the article. Either of the words, *immunities, rights, or advantages*, would have been, of itself, fully sufficient. *Immunity* means privilege, exemption, freedom—*right* means justice, just claim, privilege—*advantage* means convenience, gain, benefit, favorable to circumstances. If either word, therefore, is sufficient to give her a right to be placed on an equal footing with the other States, who shall doubt of her right, when you now find that your Government has solemnly pledged itself to bestow on, and guaranty to, Louisiana all the privileges, exemptions, and freedom, rights, immunities, and advantages, justice, just claims, conveniences, gains, benefits, and favorable circumstances, enjoyed by the other States?

In speaking of treaties, Vattel states as follows: "The implicit submission to their authority which 'is exhibited everywhere, proves the strength, 'indeed, unanswerable strength, in which it is 'founded."

These writers say, that every thing which the public safety renders inviolable is sacred in society. Who, then, can doubt that treaties are in the number of those things that are held most sacred by nations? They determine the most important affairs, give rules to their pretensions, and secure their most precious interests. But treaties are only vain words, if they are not considered as inviolable rules to sovereigns, and as sacred throughout the whole world. Treaties are, then, most holy and sacred among nations; and, if people are not wanting to themselves, infamy must ever be the share of him who violates his faith; for, in doing so, he violates the law of nations; he despises that faith which they declare sacred; he is doubly guilty—he does an injury to all nations, and wounds the whole human race.

If this is the reasoning of the best writers on the laws of nations, are we now disposed, for the first time, to be the instruments of rendering this nation infamous in the eyes of the whole world, and wound the human race? Are we, who have so frequently charged the English and Spaniards with breach of treaties and of faith, now to become breakers of treaties ourselves—exhibit our hitherto honorable, and even uncharged, Republic as an evil example to other Governments? Are we, who have always kept our treaties with scrupulous faith with our Indian neighbors, and considered their weakness as an additional call on our honor, to do so—are we now, for the first time, to turn back on all our former courses, and make our feeble brethren of Missouri the first victims of our breach of national faith? Even if the treaty was ambiguous, if it was doubtful, do not the laws of nations expressly declare "that, in doubtful cases, treaties shall be construed in favor of those for whose benefit they were made? And was it not for the express benefit of Louisiana (all Louisiana, to the utmost limits) that this treaty was made, giving to the whole Territory, and all that may inhabit it as citizens of this Union, equal rights, immunities, and advantages, with the citizens of all the other States in it? Unquestionably it was; and it is our duty to prevent, in the words of Vattel, "the infamy of our hitherto untainted and even unsuspected Government, and honorably and literally carry the treaty into execution."

Having thus, I trust, proved clearly that you have no right to adopt this inhibition of slavery, but are forbid to do so by the Constitution, as well as by the treaty, I ought perhaps to stop here; but there are some other points which I ought not to pass unnoticed. One of these is the ordinance of July, 1787, passed by the Old Congress, at the period of the sitting of the Convention in Philadelphia, for forming the Constitution, by which that body (the Old Congress) undertook to form a code for the future settlement, government, and admission into the Union, of all the Territory Northwest of the river Ohio, ceded by Virginia to the United States in 1785; which cession has so often been read to the House in this discussion. On this subject, I beg leave to remark that, by the Confederation of the United States, the Old Congress had no power whatever but that of admitting new States, provided nine States assented. By this, it is most unquestionable, that no number of States under nine had any right to admit new States. Of course, it was the intention of the Confederation that, on so important a measure as the establishment of governments for, and the admission of, new States, Congress should never possess the power to act, unless nine States were represented in that body at the time of their doing so. This ordinance, therefore, in prescribing the forms of government, as they respected legislative, executive, and judiciary powers, in establishing bills of rights, and the times and terms of their admission into the Union, and inhibiting servitude therein, is chargeable with ingratitude and usurpation. It is chargeable with ingratitude, when we reflect that the cession of the great tract of

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

country—this rising empire of freemen—was gratuitously, and with noble disinterestedness and patriotism, made by Virginia, that the passing of an ordinance which contained a provision which could not but go to prevent the admission of Virginians there, as they could not move there with their slaves, was a most ungracious and ungrateful return to that State for her liberality, and could not but meet with the disapprobation of this nation.

I have already mentioned the reasons to show, that unless they had nine States present, the Old Congress had no power to admit new States, and of course no power to prescribe the forms of government, bills of rights, or terms or times of admissions, benefits, or exclusions, with a less number than nine.

If there were not other strong reasons attending the passing this ordinance, those already mentioned are sufficient to show that it is a nullity; that it never had or could have had a binding force; that the present Congress had nor has any Constitutional right to confirm that part of it which respects the exclusion of involuntary servitude from that Territory; and that the States of Ohio, Indiana, and Illinois, having by their constitutions voluntarily excluded it, possess the power whenever they please to alter their constitutions, and admit servitude in any way they think proper.

Let us, sir, recollect the circumstances the Old Congress were in at the time they passed this ordinance: they had dwindled almost to nothing; the Convention had been then three months in session; it was universally known a Constitution was in its essentials agreed to; and the public were daily expecting (what soon happened) the promulgation of a new form of Government for the Union. I ask, sir, was it under these circumstances proper for a feeble, dwindled body, that had wholly lost the confidence of the nation, and which was then waiting its supersession by the people—a feeble, inefficient body, in which only seven or eight States were represented, the whole of which consisted of but seventeen or eighteen men—a number smaller than your large committees; a body literally in the very agonies of political death;—was it, sir, even decent in them (not to say lawful or Constitutional) to have passed an ordinance of such importance? I do not know or recollect the names of the members who voted for it, but it is to be fairly presumed they could not have been among the men who possessed the greatest confidence of the Union, or at that very time they would have been members of the Convention sitting at Philadelphia. But I am perhaps taking up your time unnecessarily on this subject, and I shall proceed to others.

A great deal has been said on the subject of slavery—that it is an infamous stain and blot on the States that hold them; not only degrading the slave, but the master, and making him unfit for republican government; that it is contrary to religion and the law of God; and that Congress ought to do every thing in their power to prevent its extension among the new States.

Now, sir, I should be glad to know how any

man is acquainted with what is the will or the law of God on this subject. Has it ever been imparted either to the old or new world? Is there a single line in the Old or New Testament, either censuring or forbidding it? I answer without hesitation, no. But there are hundreds speaking of and recognising it. Hagar, from whom millions sprang, was an African slave, bought out of Egypt by Abraham, the father of the faithful and the beloved servant of the Most High; and he had, besides, three hundred and eighteen male slaves. The Jews, in the time of the theocracy, and the Greeks and Romans, had all slaves; at that time there was no nation without them. If we are to believe that this world was formed by a great and omnipotent Being; that nothing is permitted to exist here but by his will, and then throw our eyes throughout the whole of it, we should form an opinion very different indeed from that asserted, that slavery was against the law of God.

Let those acquainted with the situation of the people of Asia and Africa, where not one man in ten can be called a freeman, or whose situation can be compared with the comforts of our slaves, throw their eyes over them, and carry them to Russia, and from the North to the South of Europe, where, except Great Britain, nothing like liberty exists. Let them view the lower classes of their inhabitants, by far the most numerous of the whole; the thousands of beggars that infest their streets, more than half starved, half naked, and in the most wretched state of human degradation. Let him then go to England; the comforts, if they have any, of the lower classes of whose inhabitants are far inferior to those of our slaves. Let him, when there, ask of their economists, what are the numbers of millions daily fed by the hand of charity; and, when satisfied there, then let him come nearer home, and examine into the situation of the free negroes now resident in New York and Philadelphia, and compare them with the situation of our slaves, and he will tell you that, perhaps, the most miserable and degraded state of human nature is to be found among the free negroes of New York and Philadelphia, most of whom are fugitives from the Southern States, received and sheltered in those States. I did not go to New York, but I did to Philadelphia, and particularly examined this subject while there. I saw their streets crowded with idle, drunken negroes, at every corner; and, on visiting their penitentiary, found, to my astonishment, that, out of five hundred convicts there confined, more than one-half were blacks; and, as all the convicts throughout that State are sent to that penitentiary, and, if Pennsylvania contains eight hundred thousand white inhabitants, and only twenty-six thousand blacks, of course the crimes and vices of the blacks in those States are, comparatively, twenty times greater than those of the whites in the same States, and clearly proves that a state of freedom is one of the greatest curses you can inflict on them.

From the opinions expressed respecting the Southern States and the slaves there, it appears to me most clear, that the members on the opposite

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

side know nothing of the Southern States, their lands, products, or slaves. Those who visit us, or go to the southward, find so great a difference that many of them remain and settle there. I perfectly recollect that when, in 1791, General Washington visited South Carolina, he was so surprised at the richness, order, and soil of our country, that he expressed his great astonishment at the state of agricultural improvement and excellence our tide-lands exhibited. He said, he had no idea the United States possessed it. Had I then seen as much of Europe as I have since, I would have replied to him, that he would not see its equal in Europe. Sir, when we recollect that our former parent State was the original cause of introducing slavery into America, and that neither ourselves or ancestors are chargeable with it; that it cannot be got rid of without ruining the country, certainly the present mild treatment of our slaves is most honorable to that part of the country where slavery exists. Every slave has a comfortable house, is well fed, clothed, and taken care of; he has his family about him, and in sickness has the same medical aid as his master, and has a sure and comfortable retreat in old age, to protect him against its infirmities and weakness. During the whole of his life he is free from care, that canker of the human heart, which destroys at least one-half of the thinking part of mankind, and from which a favored few, very few, if indeed any, can be said to be free. Being without education, and born to obey, to persons of that description moderate labor and discipline are essential. The discipline ought to be mild, but still, while slavery is to exist, there must be discipline. In this state they are happier than they can possibly be if free. A free black can only be happy where he has some share of education, and has been bred to a trade, or some kind of business. The great body of slaves are happier in their present situation than they could be in any other, and the man or men who would attempt to give them freedom, would be their greatest enemies.

All the writers who contend that the slaves increase faster than the free blacks, if they assert what is true, prove that the black, when in the condition of a slave, is happier than when free, as, in proportion to the comfort and happiness of any kind of people, such will be the increase; and the next census will show what has been the increase of both descriptions, free and slave, and will, I think, prove the truth of these opinions.

In this discussion the question as to the purchase of Louisiana has been introduced, and gives me an opportunity to state my opinion on the subject. So far as my knowledge of the facts, preceding that purchase, enable me to form an opinion, I pronounce that Mr. Jefferson, in planning the purchase, and the gentlemen who were employed in negotiating it, covered themselves with glory. The facts that preceded that purchase were these: In the year 1786, Spain despatched a Minister, named Gardoqui, to this country, instructed to offer to form with us a treaty of commerce, which she said was an advantageous one, if we would, in the same treaty, consent to give up the navigation of that

part of the river Mississippi which ran through the Spanish dominions. This, sir, I asserted on this floor some days ago, and now repeat, that, on this treaty being, according to the then routine of business, referred to Mr. Jay, then Secretary for Foreign Affairs, he did, to the best of my recollection, report that it would, in his opinion, be expedient to adopt it; that seven, all of the Eastern and Northern States, did vote for it, but that, owing to the Confederation requiring that nine States should be necessary to form a treaty, it was at length defeated. If any part of the public business in this country, in which I have been engaged, ever gave me more pleasure than others, it was the agency I had in association with an honorable gentleman, now high in office, and in Washington, in preventing it. I believe I may venture to say, that it was owing to us the whole of the Western country now belongs to us, and that the Mississippi now flows through American lands, and that the American flag now waves alone on her waters. I, therefore, have always felt more than a fraternal—I have felt, sir, a paternal love for this country. Nor, sir, is this the only important agency I have had in the affairs of this very valuable part of our Union. It will be remembered that, in the year 1802, the Intendant of New Orleans issued a proclamation, shutting that port to the further reception and deposit of American produce, under the treaty of 1795, and that, on his doing so, a ferment was excited throughout the Union, of the most alarming nature; that war was called for, both in the Senate and out of doors, which it was difficult for all the prudence and love of peace of the President to repress. Being, at that time, the Minister of the United States in Spain, I received instructions from our Government to use every exertion in my power, consistent with its dignity, to get the deposit restored, which I fortunately did, and this affair led to the acquisition of both the river and whole country in the manner you know. At the time I went to Europe, I was alone commissioned and authorized to treat for, and purchase, all the part of Louisiana, including New Orleans, to the east of the Mississippi and the Floridas; but, on arriving in Europe, I found Louisiana had been previously secretly sold to Bonaparte, of which I informed Mr. Jefferson, and he took the measures which accomplished the purchase.

In pursuing the arguments of some gentlemen, on this subject, I have omitted to notice one of their arguments, springing from that part of the third section of the fourth article, which says, "the Congress shall have the power to make all needful rules and regulations respecting the territory, or other property, belonging to the United States," because this article certainly refers only to the territorial state, to which I have already referred, and in which, I do not hesitate to aver, that, in making such regulations for the government of the territory, they are no more authorized to inhibit slavery in the territory, than they are in the State—for, if they should have the power, it would indirectly effect the same thing; it not being difficult to see, that, when a territory has been, like Missouri, for sixteen years in a strict state of territorial discipli-

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

line, prohibiting slavery, when the period arrives for her admission as a State, she will be peopled entirely by inhabitants not having slaves, and who will, of course, insert the prohibition in their constitution.

It ought to be remembered, Mr. Chairman, that the greatest part of the debt due for Louisiana is still unpaid, and that, if the mode I have asserted, by which your Treasury is now furnished, and must be in future, is true, then the slaveholding States will have more than half of the purchase to pay; but, suppose we have only one-half of it to pay, is it not fair, is it not just, that the use of this purchase should be as open to the inhabitants of the slaveholding, as to the inhabitants of the non-slaveholding States? And how can this happen, if you say to the inhabitants of the Northern States, you may go there with your families, and all your properties; but, if you, from the Southern or slaveholding States, choose to go there, it must be without your slaves, these shall not go? thus denying to these the instruments of their agriculture, and the means of their comfort, and completely preventing the possibility of their removing. From this, sir, will arise another evil, that of the fall of the value of all the lands the United States may have to sell in the Territories or States from which slavery is excluded, at least one-half, which, if the computations of the number of acres come any thing near the mark, must amount to at least six hundreds of millions of dollars lost to the common Treasury.

I have not condescended to notice the remark, that one of the evils of slavery is, the lessening and depreciating the character of the whites in the slaveholding States, and rendering it less manly and republican, and less worthy, than in the non-slaveholding States, because it is not less decorous than true; it is refuted in a moment by a review of the Revolutionary, and particularly the last war. Look into your histories, compare the conduct of the heroes and statesmen of the North and South, in both those wars, in the field, and in the Senate; see the monuments of valor, of wisdom, and patriotism, they have left behind them, and then ask an impartial world, on which side the Delaware lies the preponderance: they will answer in a moment, to the South.

It will not be a matter of surprise to any one, that so much anxiety should be shown by the slaveholding States, when it is known that the alarm, given by this attempt to legislate on slavery, has led to the opinion, that the very foundations of that kind of property are shaken; that the establishment of the precedent is a measure of the most alarming nature; for, should succeeding Congresses continue to push it, there is no knowing to what length it may be carried.

Have the Northern States any idea of the value of our slaves? At least, sir, six hundred millions of dollars. If we lose them, the value of the lands they cultivate will be diminished in all cases one half, and, in many, they will become wholly useless, and an annual income of at least forty millions of dollars will be lost to your citizens; the loss of which will not alone be felt by the non-

slaveholding States, but by the whole Union; for, to whom, at present, do the Eastern States, most particularly, and the Eastern and Northern, generally, look for the employment of their shipping, in transporting our bulky and valuable products, and bringing us the manufactures and merchandises of Europe? Another thing, in case of these losses being brought on us, and our being forced into a division of the Union, what becomes of your public debt? Who are to pay this, and how will it be paid? In a pecuniary view of this subject, therefore, it must ever be the policy of the Eastern and Northern States to continue connected with us. But, sir, there is an infinitely greater call upon them, and this is the call of justice, of affection, and humanity. Reposing at a great distance, in safety, in the full enjoyment of all their Federal and State rights, unattacked in either, or in their individual rights, can they, with indifference, or ought they to risk, in the remotest degree, the consequences which this measure may produce. These may be the division of this Union, and a civil war. Knowing that whatever is said here, must get into the public prints, I am unwilling, for obvious reasons, to go into the description of the horrors which such a war must produce, and ardently pray that none of us may ever live to witness such an event.

If you refuse to admit Missouri without this prohibition, and she refuses it, and proceeds to form a constitution for herself, and then applies to you for admission, what will you do? Will you compel them by force? By whom, or by what force can this be effected? Will the States in her neighborhood join in this crusade? Will they, who, to a man, think Missouri is right, and you are wrong, arm in such a cause? Can you send a force from the eastward of the Delaware? The very distance forbids it; and distance is a powerful auxiliary to a country attacked. If, in the days of James II., English soldiers, under military discipline, when ordered to march against their countrymen, contending in the cause of liberty, disobeyed the order, and laid down their arms, do you think our free brethren on the Mississippi will not do the same? Yes, sir, they will refuse, and you will at last be obliged to retreat from this measure, and in a manner that will not add much to the dignity of your Government.

I cannot, on any ground, think of agreeing to a compromise on this subject. However we all may wish to see Missouri admitted, as she ought, on equal terms with the other States, this is a very unimportant object to her, compared with keeping the Constitution inviolate—with keeping the hands of Congress from touching the question of slavery. On the subject of the Constitution, no compromise ought ever to be made. Neither can any be made on the national faith, so seriously involved in the treaty which gives to all Louisiana, to every part of it, a right to be incorporated into the Union on equal terms with the other States.

Surely, sir, when we consider the public distress of this country, and the necessity of union and good humor to repair our finances, and place our commerce in that improved situation which

FEBRUARY, 1820.

Proceedings.

H. OF R.

will give us some hope of the rise of our products, such as may have a tendency to relieve our public and private embarrassments, if we had no other motives for it, certainly this should be sufficient. But, sir, there is one of infinitely higher moment. Do we recollect, that we are the only free Republic now in existence, and that, probably, such existence can only depend upon our distance from Europe, and our union with our present numbers? It may safely be calculated we have two millions of men, the greatest part of whom are able to bear arms.

In case of our continuing an united people, no attack from Europe, a distance of four thousand miles, could ever be made with the least hope of success. From the distance, all Europe could not furnish either the men or means sufficient to divide or destroy this Union. If we continue united, as we have been, in such an event, the States would so second the General Government, and so nerve its arm, as to put all attack at defiance. But, if on this, or any other occasion, this Union should unhappily divide, and from friends become bitter and implacable enemies to each other, who shall say what Europe may attempt? Mark what they have done among themselves, to subjugate France, and destroy, in that part of the world, every thing that has the semblance of republicanism. View the league they have formed, in which, for the first time, all Europe is seen united as a single Government, to maintain their monarchical forms. Such is no doubt, their detestation of every thing like republicanism, that, were the United States in Europe, where they could be reached by land, I have not the smallest doubt, they would long since have been attacked; and every attempt made to reduce them to a monarchy. We are considered, sir, as an evil example to the monarchical world. We are considered as the only repository of those principles which have lately appeared and flourished for a time in Europe; and which it has cost them so much blood and treasure to suppress, and should our divisions, from friends to enemies, ever afford them an opportunity of striking at us, with the least probability of success, no doubt they will do so.

I will not trespass farther on your patience, but thank the Committee for the honor they have done me, by their attention. I hope the great importance of the subject will be my excuse; and that, considering the relation in which I have stood to the Western country and the Mississippi, for the salvation of which, so far as means the keeping it annexed to this Union, as I have already said, I think I may claim to a gentleman, now high in office, and myself, as much as any other two can claim, the happiness of being the instruments, and having thus, in the early part of my life, labored with success for the parent, I cannot but think it a little extraordinary, that I should, at this distant period, be called upon to defend the right of her children. My fervent wish is, that I may be able to do it with the same success.

When Mr. PINEKEY concluded—

The Committee rose, reported progress, and the House adjourned.

TUESDAY, February 15.

Mr. NEWTON, from the Committee of Commerce, reported a bill to impose a new tonnage duty on French ships, or vessels; which was read twice, and committed to a Committee of the Whole on Monday next.

Mr. NEWTON, from the same committee, also reported a bill concerning navigation, and to repeal the act entitled "An act concerning navigation," passed on the 18th of April, 1818; which was read twice, and committed to a Committee of the Whole on Monday next.

On motion of Mr. PINDALL, the letter from the Secretary of State of the 7th February, 1820, transmitting a list of the newspapers in which the laws of the United States are published, and an estimate of the expense of such publication, was referred to a select committee; and that the same committee inquire into the expediency of repealing or amending the acts requiring the publication of the laws in the newspapers; and Mr. PINDALL, Mr. FOOT, and Mr. MERCER, were appointed the said committee.

[This motion of Mr. P. was grounded on the belief that the expenses of promulgating the acts of Congress in newspapers had increased to an unreasonable and improper extent, and that the laws on the subject required repeal or modification, so as to reduce this expense.]

On motion of Mr. WALKER, of North Carolina, the Committee on the Public Lands were instructed to inquire into the expediency of limiting the quantity of public lands hereafter to be exposed to sale at the several land offices of the United States.

Mr. WALKER said he had heard great complaints against the present mode of exposing to sale the public lands; that the present system opened a door for speculation, and that great speculations had been actually made in the purchase of public lands. He believed that the greatest defect in the system was, that there was too much land brought into market; which afforded an opportunity to purchasers to make large speculations in the purchase: the object of the resolution was to limit the quantity offered for sale, to prevent further abuses, and to prevent too great an extension to purchasers. He was not friendly to an alteration of the price or manner of sale of the present land law, but believed that a limitation of the quantity would answer every purpose which was contemplated by the desire to alter the present law.

An engrossed bill entitled "An act to continue in force for a further time, the act entitled 'An act for establishing trading-houses with the Indian tribes,'" was read the third time and passed.

The SPEAKER laid before the House a report from the Commissioners of Navy Hospitals, rendered in obedience to the resolution of this House of the 31st ult., showing the receipt and expenditure of the moneys accruing to the Navy Hospital fund: which report was ordered to lie on the table.

The SPEAKER also laid before the House a report from the Secretary of the Treasury, rendered in obedience to the resolution of this House of the 4th instant, requiring him "to report such measures as, in his opinion, may be expedient to enforce the

more speedy payment of public moneys due from individuals and corporate bodies, to the United States;" which was also ordered to lie on the table.

WESTERN ROADS.

Mr. Cook submitted the following resolution for consideration:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of repealing so much of the first section of an act entitled "An act making appropriations for the support of Government for the year 1819," approved March 3, 1819, as pledges the fund reserved for laying out and making roads to the States of Indiana and Illinois, for the repayment of the moneys appropriated and advanced by the United States, for constructing the United States road from Cumberland to the Ohio river, and of appropriating the same to defray the expenses of laying out and making a road from the Ohio river opposite to Wheeling, by Columbus, in the State of Ohio, and by the permanent seat of government of Indiana, on the most eligible route, to Vandalia, in the State of Illinois.

In offering this resolution to the consideration of the House, Mr. Cook begged leave to ask its attention to the act there referred to. By that act the fund reserved for the improvement of roads leading to the States of Indiana and Illinois, had been pledged to the repayment of the money appropriated by Congress for the completion of the Cumberland road. This road was commenced, Mr. C. believed, ten or twelve years ago. By the acts of 1816 and 1818 authorizing the admission of Indiana and Illinois, respectively, two per cent. on the net proceeds arising from the sale of the public lands in those States was reserved by Congress to the laying out and making of roads leading to those States, respectively; and in consideration of this appropriation made by Congress, with others, which were understood on all hands to be for the benefit of those States, respectively, the States surrendered a part of their sovereignty: they agreed that the lands of the United States, then remaining to be sold, should be free from taxation for five years after the day of sale; and in Illinois the bounty lands given to the soldiers of the late army, were also to be exempted from taxation for three years from the date of their patents. This surrender of the sovereign right of Illinois to tax the lands thus exempted, was, Mr. C. said, the consideration given for the road-fund now under consideration, as well as some other advantages which were granted to her, and for which she is grateful to the Government. This, with the other propositions made by Congress, were now matters of compact between Illinois and the United States; and to divert this fund from the channel in which Mr. C. could not but think it was intended to flow, Illinois would consider a violation of that compact.

To appropriate that fund to the making of a road terminating at Wheeling, a point several hundred miles from the border of the State, never could be an appropriation in unison with the intention either of Congress or of the State of Illinois. As well, Mr. C. said, might you appropriate it to the making of a road leading from Santa Fe

to Missouri, uniting those two sovereignties, as to the object for which it stands pledged; for this would be a road leading towards Illinois. From an examination of the subject, Mr. C. said he found that the revenue which Illinois would derive from a tax on the lands which may be sold within the State, and on the bounty land, which she cannot now derive, in consequence of this compact, would, at a reasonable rate, amount to about two hundred and eighty thousand dollars, a large proportion of which would now be subject to be called into her coffers, and of which she really stood in great need. Could it be contended, Mr. C. asked, that this fund, which was reserved to Indiana and Illinois, respectively, to make roads leading to them, in the one case about ten and the other twelve years after the Cumberland road was commenced, was at that time intended, or understood, either by those States or by the United States, to be subject to defray the expenses of that road? It could not be possible. It seemed, Mr. C. said, much more likely to have been reserved for the purposes contemplated by the resolution which he had offered, to extend that road to the borders of those States, respectively; and unless it was so appropriated, or at least in making roads leading to, and not towards them, he did not think they would have just cause of complaint against the Government. Since the admission of those States Mr. C. believed a fund of about \$50,000 had already accrued from the sale of lands, which should be now lying in the National Treasury. This sum, although it would not complete the road, would defray the expense of marking and laying it out, and go far towards opening it, so as to render it passable; and as the fund continued to increase, it might be employed to complete it. Indeed, said Mr. C., it seems to me to be so obvious that the intention of Congress was, that this money should be appropriated to the improvement of roads, to facilitate the entrance to those States, that reasoning cannot make it plainer; and any diversion of it to any other object, therefore, is a violation of the compact between those States and the United States. He trusted that the resolution would be considered and adopted.

The resolution was then considered and adopted, without a division.

Mr. Cook offered also the following resolution for consideration:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of providing by law for the payment of so much of the money arising from the sale of the public lands in the State of Illinois, since the first day of January, 1819, as has been reserved by law for the encouragement of learning, to said State.

Mr. C. observed that the object of this resolution was, simply to enable the State of Illinois to obtain the three per cent. fund arising from the sale of public lands which had been reserved by Congress to be appropriated by the State to the encouragement of learning. This course, he said, had been considered necessary, since the Secretary of the Treasury might not otherwise feel authorized to pay it over. This, Mr. C. said, was the

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

course taken by Indiana to obtain her road fund, reserved in the same way.

This resolution was also adopted without a division.

THE MISSOURI BILL.

The House then again resolved itself into a Committee of the Whole, on this bill.

Mr. RANKIN, of Mississippi, took the floor, and spoke more than an hour against the restriction.

Mr. R., observed, that Creon, King of Thebes, had been represented by Euripides, to have sent a herald to Athens, who inquired for the King of Athens. Theseus replied, "You seek him in vain; this is a free city, and the sovereign power is in all the people." In our Government, all admit the sovereignty of the people; but, if the arguments of gentlemen who advocate this restriction be correct, Congress possesses absolute sovereignty, and the people are their servants. It is urged that, although Congress has no express delegation of power in the Constitution, yet Congress may, by virtue of its sovereign power, impose any conditions on the admission of Missouri into the Union. There is no sovereignty in Congress, known to the Constitution, except such as is expressly delegated; the limits of which are clearly marked and defined by that instrument. Even State governments, which derive their powers immediately from the people, are but a portion of natural liberty or absolute sovereignty, delegated to rulers, to be exercised for the common welfare. The Federal Government, emanating from the States, and wielding an authority regulating and protecting the community of States, is one degree farther removed from the source of power. In such a Government we are not required, as gentlemen have contended, to search the Constitution for prohibitions, but we search for what is delegated. The silence of the Constitution is our law—a mandate as prohibitory to our exercise of legislation, as the voice of the Almighty to the waves of ocean. Its language is, "Thus far shall you go, and no farther." Depart from these principles, and you tread on dangerous grounds. Imagine you possess an undefined, unlimited sovereignty, not delegated, but resting on your capricious will, superior to all constitution and laws, and you sap the foundation of your liberty; sooner or later you are buried in the ruins of the superstructure. Despotism is equally dangerous, odious, and oppressive, whether exercised by an individual or the National Legislature. Despotism is but the arbitrary exercise of powers limited, defined, and bounded by no law but the sovereign will of the despot.

Without resorting to general principles and reasoning, the language of the Constitution itself is sufficiently explicit as to what we may do constitutionally. The first article declares, that all powers therein "granted are vested in the Congress of the United States." We have, then, to inquire, is the power to impose this restriction "granted" by the Constitution? If there be any doubt on that subject, prudence, at least, forbids us to proceed farther. The 9th and 10th articles of the amendments declare, "that the enumeration in the Con-

stitution of certain rights shall not be construed to deny or disparage others retained by the people;" and "that the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." I have been particular in making these preliminary remarks, because gentlemen who have occupied a distinguished ground in favor of the restriction appear to rely much on the sovereignty of Congress. It is necessary that a thing so powerful in its operations should be clearly understood.

Regarding the principles already laid down, let us proceed to examine the different clauses and sections of the Constitution which are supposed to enable us constitutionally to impose this restriction on Missouri. In pursuing the course which I had originally designed for myself, (said Mr. R.,) I must necessarily tread on some of the grounds occupied by the gentlemen who have preceded me in the debate. This is a misfortune arising from the necessity which has compelled me to delay my argument until this period, but would not justify presenting it to the Committee mutilated and imperfect.

By the 9th section of the first article of the Constitution it is declared, "the migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by Congress prior to the year 1808," &c. Does this delegate any power to Congress to prohibit the importation of slaves, even after the year 1808? A gentleman from Pennsylvania (Mr. SERGRANT) says, that a prohibition of the exercise of a power necessarily implies that there is a power to be restricted. This conclusion is by no means necessary. It may proceed from abundant caution, in order to avoid the doctrine of implied powers, which have been so much used in this discussion. But even this restriction, which might, at the time the article was prepared, have appeared necessary, in order to reconcile the contrariety of opinions that then existed, and quiet the jealousies of the States, became unnecessary when the amendments were subsequently adopted, confining the exercise of the powers of Congress to what was expressly delegated. Many enlightened statesmen viewed the Federal Government as a monster crouching over the State sovereignties, already possessed of powers, which at some future day it would exert, sufficient to annihilate them, and therefore imposed checks and barriers where none were necessary. This is mentioned, not with a view of disturbing antecedent legislation, but to show that, in the united zeal of the North and South to terminate the slave trade, they have exercised a power at least questionable. But, if questionable in relation to that which implication favors, how much more so in regard to this new, undefined, unlimited assumption of sovereignty?

In the construction of this section, said Mr. R., we should adopt the rules dictated by common sense, applicable to such subjects. Construe it either literally or according to the spirit and meaning. Gentlemen in favor of this restriction may adopt either, or both, as will best suit their pur-

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

pose. Gentlemen, not satisfied with this, ask us to admit that the word "persons" means negroes or slaves, which meaning they derive from the spirit and meaning of the section, and adopt a literal sense for the word "migration," which is said to mean a transition from one State into another, although you may not travel a mile in the passage. Heretofore, when any man was asked what is the meaning of this section, he immediately replied, "to enable Congress to prohibit the slave trade after the year 1808." But, sir, to what conclusion do we arrive in construing this section literally? The word "persons" is a generic term, embracing every description of human beings, no matter of what complexion, while the words "migration and importation" are of equally extensive signification; the former including such persons as have volition, and can migrate; and the latter, such as have no volition, but are imported or carried along by the will of the master. This signification to the word migration, appears to comport with its original, or, what a gentleman from Delaware (Mr. McLANE) was pleased to call its technical use, being applied to the passage of birds from one region into another, changing their climate at pleasure, free as the air they skim in the transition. It has been subsequently used to signify a voluntary change of country by individuals and families, but never to signify an involuntary removal.

If this word "migration" must have a meaning unconnected with, and different from, "importation," why not use it, as many contend it was originally designed by the Convention, to enable Congress to prohibit the influx or migration of foreigners to our country, after a limited period? This word "migration" was, therefore, either intended to apply to emigration from Europe, or, what appears equally probable, was intended, in connexion with the word "persons," to disguise this anti-republican feature in our republican Constitution. For why should the Convention conceal the words "negroes or slaves," under the word "persons," and, in the same sentence, speak of the "importation" of "persons" as they would of a bale of merchandise? The words "shall think proper to admit," point strongly to an admission from abroad, and not to a mere change of residence within the United States.

Some regard, as gentlemen in opposition to the principles I advocate have very justly contended, ought to be paid to a long-continued exposition of this section, by legislation in relation to its provisions. The authorities produced by the friends of restriction, to show the respect which tribunals of justice pay to this principle, will be applied by them while we trace the course of legislation adopted by Congress in relation to this subject. Upwards of thirty years have elapsed since the adoption of the Constitution, during which period Congress have, with a vigilance that never reposed, directed their efforts to the abolition of the slave trade, without even suspecting they possessed the power now attempted to be assumed—a power to prevent an American citizen from changing his residence, and carrying with him his

slave to any section of the Union where slavery is not prohibited. How easily might every preceding Congress have exercised their "humanity" in preventing an "extension of the evils of slavery" to the States of Kentucky, Tennessee, Louisiana, Mississippi, and Alabama! But the wisdom of 1819 was alone competent to this arduous task; this discovery of "negatives pregnant" and latent and dormant powers.

In 1794 Congress prohibited "residents" in, or "citizens" of, the United States, from fitting out vessels for the slave trade, and, in 1800, from having an interest in vessels fitted out for that purpose. The act of 1803 prohibited the importation of slaves into States where slavery was prohibited by law, and that of 1807, passed in anticipation of the period fixed in the Constitution, was intended forever to terminate that traffic to the United States. From that period until the last session of Congress it was believed by all sides that whatever power was delegated by this section had been expended in legislation.

What construction was given this article by contemporaneous expositions? In that most able commentary on the Constitution of the United States, called the *Federalist*, which is known to be the joint production of Mr. Madison, General Hamilton, and "that great civilian, Mr. Jay," we have a construction which will be found in No. 42 of that work. Add to this an authority, which gentlemen in favor of this restriction will certainly be disposed to respect, the opinion of the Massachusetts Convention, when in debate on the Constitution of the United States. They say that, by the old Articles of Confederation, the General Government had no power to prevent the importation of slaves into the States, and rejoice that a period is fixed when Congress may interpose its authority, and forever terminate this traffic.

The meaning of this section we have from a very distinguished man, who was a member of the General Convention that formed the Constitution of the United States. There was a time when the brilliancy of this man's mind illumined the path of reason and penetrated the labyrinths of art and science; yesterday he was within these walls, but no longer what he was; he stands the melancholy wreck of intellectual greatness, teaching humiliation to human pride, and showing how low man can be depressed when enervating disease palsies his frame, and the hand of the Almighty presses upon him. I refer to Luther Martin, of Maryland. When called upon by the Legislature of his State to declare his objections to the Constitution, previously to its adoption, in a written communication to that body, he declares:

"By the ninth section of this article, the importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited, prior to the year 1808, but a duty may be imposed on such importation."

"The design of this clause is to prevent the General Government from prohibiting the importation of slaves; that the same reasons which caused them to strike out the word 'national,' and not admit the word 'stamps,' influenced them here to guard against the

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

word slaves; they anxiously sought to avoid the admission of expressions which might be odious in the ears of Americans, although they were willing to admit into their system those things which the expression signified; and hence it is, that the clause is so worded as to authorize the General Government to impose a duty of ten dollars on every foreigner who comes into a State to become a citizen, whether he comes absolutely free, or qualified so as a servant; although this is contrary to the design of the framers, and the duty was only meant to extend to the importation of slaves." P. 55.

After observing that the committee of detail had reported this clause, without limitation as to the time of importation, which provision the Convention rejected, he says: "they were informed by the delegates from South Carolina and Georgia that their States never would agree to any system which put it in the power of the General Government to prevent the importation of slaves, and that they, as delegates from those States, must withhold their assent from such system." A committee, composed of one member from each State, was chosen, to whom this subject, together with that part of the report of the committee of detail which declared "that no navigation act shall be passed, without the assent of two-thirds of the members present in each House," was referred. "This committee," says he, "of which also I had the honor to be a member, met, and took into their consideration the subjects committed to them; I found the Eastern States, notwithstanding their aversion to slavery, very willing to indulge the Southern States, at least with a temporary liberty to prosecute the slave trade, provided the Southern States would, in their turn, gratify them by laying no restriction on the navigation acts; and after a very little time the committee, by a great majority, agreed on a report, by which the General Government was to be prohibited from preventing the importation of slaves, for a limited time, and the restrictive clause relative to navigation acts was to be omitted."

He adds, in page 58, "You will perceive, sir, not only that the General Government is prohibited from interfering in the slave trade, before the year 1808, but there is no provision in the Constitution that it shall afterwards be prohibited, nor any security that such prohibition will ever take place."

This statement is not made from frail memory, after time had almost effaced the recollection of scenes long transpired, but is history itself, recording events while transacting.

By the second clause of the third section and fourth article of the Constitution, "Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State." The power here delegated may have full scope in regulating the settlement authorizing a temporary legislation, and disposing of the public lands, without attempt-

ing to seize or legislate away private property. The words "other property," in this clause, strongly intimate that construction. But, said he, Mr. Chairman, I am not disposed to pursue a course of reasoning that may appear too refined. Congress can make all "needful rules and regulations" respecting their "territory." Needful does not mean mere expediency, but something really necessary to be done. The most that the advocates of this restriction can say is, that, in their opinion, it is expedient. Again, sir, is this a rule and regulation respecting your territory? As much so as the constitution of Missouri, when formed for the State, will be a constitution for the Territory of Missouri. When your paternal government has expired, and Missouri is no longer a Territory, she enjoys this legacy. Make her whole constitution, and call this legislation for your territory; for if you can make one article, you can, with equal justice, make the constitution, and entirely dispense with the voice of the people.

By the first clause of the fourth article and second section of the Constitution, "Congress shall guaranty to every State in the Union a republican form of government." The power to impose this restriction is derived, by some gentlemen, from this section, because, say they, no constitution can be republican in which slavery is not prohibited. The word "guaranty" neither gives the power of imposing conditions, nor does it mean to form, or assist in the formation of a government; but presupposes the existence of a State government to be guarantied. This provision was intended to protect, by the strength of the Union, the State sovereignties, in case foreign influence or internal commotions should render the States incapable of supporting, separately, their republican institutions. In this opinion I am supported by the terms used, and by the excellent commentary previously referred to in this argument. This article cannot, then, confer the power contended for by the friends of the amendment. But, at all events, the Convention could not have intended that the constitutions of new States should be more republican than the Constitution of the United States and the constitutions of the original States, in which slavery had been recognised, and the right to that species of property guarantied.

The first clause of the third section and fourth article of the Constitution declares, "New States may be admitted by Congress into the Union." This is really the only clause in the Constitution which delegates any power to Congress in relation to the admission of Missouri. The other grounds have been noticed, because they had been relied on by gentlemen in favor of restriction; "may" expresses a discretionary power—a power to admit, and a power to refuse admission, but nothing more. I have (said Mr. R.) heard this called an universal proposition, which, according to the reasoning of gentlemen, means, that if you are authorized to do a specific act, you may, by virtue of that authority, do any thing else you please in relation to the subject for which that act is to be performed. Gentlemen would argue, if you may admit a man into your house, you may compel him to enter the

window, or come down the chimney; or you may impose any conditions on him when he enters—such as binding him neck and heels, rifling his pockets, or cutting his throat. It has been said that many things are necessarily implied, when not expressed in the Constitution, being necessary to carry the original powers into effect; this is admitted, but not to the extent for which gentlemen contend. We do not admit that this restriction is at all necessary to carry the power of admission into effect. The power of admitting renders the power of passing a law for the admission, and extending the benefits of the Union to the State, when admitted, necessary; but does not confer on Congress the power to frame a constitution for, and strip the people of their sovereignty.

This restriction has also been called a compact. Yes, sir, the same kind of a compact a victorious army makes with a place whose defenders, worn out by fatigue and famine, are compelled to accept the terms dictated by power; the same kind of a compact the Romans made with the savage Brennus, when he cast his sword into the scale that increased her ransom. You say to the people of Missouri, on this condition you shall be admitted into the Union, and, instead of asking them to make an agreement with you, allowing them the privilege of accepting or rejecting it, the agreement is made by you, and presented to them to execute. The condition of their refusal is a perpetual state of colonial vassalage; this you call an agreement—a compact! Why, sir, in order to make a valid compact, reason, as well as law, declares, that there must be parties able to contract, and willing to contract; able to accept and reject the terms proposed. Is Missouri willing to enter into this compact with you? She protests against your usurpation—not having the equal power to resist, she can only protest. The General Government may enter into a compact binding upon the nation when acting within the scope of the authority delegated by the Constitution; but they have no more power to seize on the rights of the freemen of Missouri, and then require of them, as a peace-offering, a portion of those rights, than I have to enter the house of my neighbor, to which I have no color of claim, and require of him, as a condition for my leaving him in the peaceable possession of his property, the use of one of his apartments forever. Cannot Missouri enter into a compact? Yes, says the gentleman from Pennsylvania, (Mr. SERGEANT,) States have made, and are capable of making, contracts. Did not Virginia, says he, make a compact with the United States, &c., in ceding the Northwestern Territory? Let me ask the gentleman, Mr. Chairman, what was Virginia when she made this compact—a Territory, or a free independent State; her constitution formed, and capable of rejecting unjust requisitions? Is that the condition of Missouri? No, sir; terms are prescribed which they are unwilling to accept, and which they have no State capacity either to receive or reject. By the gentleman's reasoning, a sovereign, independent State can make a compact, therefore the Territory of Missouri can do so; a man can make a binding agreement,

therefore a child can enter into a valid obligation. Again, sir, it has been said that the people of Missouri are receiving a consideration for this "surrender of a portion of their municipal rights"—their admission into the Union. Why, sir, to this they are entitled already, by the treaty of 1803, entered into with the Government of France, by which Louisiana was ceded to the United States, and by which it is stipulated, that "the inhabitants of the ceded territory shall be incorporated into the union of the United States, and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

The price of their admission into the Union is already paid, and, if you regard the treaty, they must be admitted. Your "may" in the Constitution is converted into "shall" in the treaty. You have bought a tract of land, and paid the consideration stipulated in the deed solemnly executed, yet the vender refuses to give you possession without you pay him an additional consideration. If such demands would be iniquitous in transactions between individuals, how much more so when made by a nation, boasting of its justice and magnanimity!

It has been said that there is no power to complain of a violation of, or to enforce an obedience to, this treaty. Shall we, therefore, not perform our engagements, because we cannot be coerced? The honest heart revolts at such a proposition. Justice commands the performance of our engagements, although there is no power to enforce, and no eye sees our delinquency. A great and magnanimous people should scorn such a subterfuge.

Congress, say gentlemen, have the power of admitting new States, and the treaty-making power had no right to stipulate for the admission of Louisiana into the Union. The second clause of the sixth article of the Constitution declares, that "all treaties made by the authority of the United States are the supreme law of the land." "By the authority," must mean the treaty-making power, the President and Senate, in whom the power is vested. The authority of the United States has made this treaty, and the House of Representatives has repeatedly sanctioned its provisions. Whatever objection might have been made previously to its ratification, because of its interference with the power vested in Congress to admit new States, the objection now comes too late. The Senate could have made no appropriation of money for the purchase of Louisiana without the concurrence of the House of Representatives. This concurrence was a pledge, on the part of that branch of the National Legislature, that the stipulations of the treaty should be performed. Your legislation for the territory ceded, and the admission of Louisiana, were additional pledges. You have surveyed the public lands, pocketed the money, and enjoyed all the advantages of the cession, and now refuse to comply with your agreement, be-

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

cause you say the President and Senate had no power to make the treaty, and there is no power to compel you to perform your agreement if valid. From the treaty of 1803, every successive Congress has, in some shape, recognised the validity of this treaty, and given some pledge that its stipulation should be regarded until we, more wise, but, perhaps, less just, than our predecessors, have discovered that it was made without authority, and is void! Had not the people who removed to that country under your former course of legislation a right to expect that security, for themselves and their property, which the treaty promised?

This treaty declares who shall be incorporated into the Union, when they shall be incorporated, to what they shall be entitled when incorporated, and promises, in the meantime, security to their liberty and property. In the meantime, must indicate a time between two points—the points here indicated are, the ratification of the treaty, and their admission into the Union. Congress might, in the meantime, have prohibited the settlement of the country from other parts of the Union; but if they permitted others to settle there, being inhabitants of the ceded territory, at the time of its admission into the Union, they were necessary to enjoy the privileges of admission into the Union. Congress could not admit the original inhabitants and exclude others there at the time of its admission; nor could they disregard the rights of those who settled there subsequent to the treaty; for all who are inhabitants, “in the meantime,” are secured in their property and liberty.” When are they to be admitted? “So soon as possible, consistent with the principles of the Constitution;” so soon as they have the number heretofore required for such admission. Having that number, they now ask you to perform your stipulation, and can you justly refuse? To what are they to be entitled, when admitted into the Union? To the enjoyment of all the “rights, advantages, and immunities, of citizens of the United States.” Yet you deny them one of the most essential and dearest rights, the right to form their own constitution, and shape their own municipal regulations. They are what you have agreed they shall be, with this degrading exception, this surrender of municipal rights. This word “shall,” in the treaty, takes away discretion, and we must either disregard the treaty, or admit Missouri—not stripped of its sovereign power, but on a footing with the other States, to all the “rights, advantages, and immunities,” of citizens of the United States.

The ordinance of 1787 has been resorted to for the purpose of showing that Congress has exercised this power, and may therefore now do the same. There is no crime that could not be justified by reasoning in this mode: such things have been done, therefore they are right! This ordinance was passed under the Articles of Confederation, previously to the adoption of the Constitution, and cannot prove that such an ordinance would have been authorized by the Constitution. Subsequent legislation only went to carry into effect what had been promised prior to the Constitution.

Gentlemen have called to their aid the Declara-

tion of Independence: “All men are born equally free and independent! Those who believe that this declaration gives liberty to every slave in the Union, will find a learned chapter on that subject, in a ludicrous work written by Judge Breckenridge, of Pennsylvania, called *Modern Chivalry*, to which I refer the gentlemen. But is this political maxim indeed true? Then I suppose an incident of that freedom and independence would be, that every people have a right to adopt their own government and laws. Do you not deny this privilege to the people of Missouri? In your zeal to extend liberty to the slave, you take away from freemen of your own color, and entitled to equal rights with you, their “inalienable rights.” The people of Missouri ask the privilege of forming their own constitution, and you deny them that privilege, unless they adopt an article which you prescribe. Have we so soon forgotten that our fathers resisted similar usurpations of power attempted by England—fought and established the independence we now enjoy? Other gentlemen derive this power from that part of the Constitution which enables Congress to provide for the “general welfare:” nothing can be more dangerous than this doctrine. When Napoleon annihilated the Government, and seized the liberties of France, he said, this is demanded by the general welfare. When Cæsar subverted the liberties of Rome, he professed to be providing for the general welfare. When Cromwell turned the Parliament of Great Britain out of doors, he professed to be acting for the general welfare. The genius of desolation, seated on the ruins of empires, speaks, as a voice from the tombs to you, to “beware of the exercise of this dangerous power.” The departed Governments of Carthage, Greece, and Rome, of Venice, and of Switzerland, hail your advances in this path of the sepulchre of nations. The friends of restriction plant a dagger in the bosom of their country, and call this providing for the general welfare. They excite the most awful discord among the members of this House, which enters into and distracts all its deliberations, and excites the most alarming ferment in the community, and call this humanity. Humanity to our country forbids agitating a question so well calculated to disturb the repose of society.

Is it justice to the States of the Union where slavery is tolerated, to prohibit them from a settlement in Missouri, purchased by the common funds of the nation? The exclusion is not direct, because it would not be borne in that shape; but if I cannot enter there with my property, which habit, or something else, has rendered necessary to me, I am excluded. What answer can we make to the people of Missouri when they ask, “is not self-government our right, our privilege, and our inheritance?” “Can you divest us of our property without our consent?” “When emancipation has taken place in other parts of the Union, the people, by their Representatives, consented to the divestiture of their rights; but we are to be divested of our rights, without representation, by the strong arm of Congress, and that in the name of conscience and humanity.”

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

I cannot, said he, pass unnoticed the course which has been adopted, in relation to this subject, and which, in the language of Mr. Jay, has been effected by a "plan of co-operation" in the community. The people intend to be just to themselves and their Representatives; but how readily may they be deceived! A meeting is called, at which the horrors of slavery are painted in the most glowing colors—the honest sympathies of every individual present are excited, and, when wrought almost to frenzy, they are seriously asked, are you willing to extend this evil? No! resounds from a thousand tongues. No inquiry if the condition of the slave will not be ameliorated by "this extension." The Constitution is either never mentioned, or such a construction given it as suits the public feeling. Gentlemen should recollect that this method of construing the Constitution, by popular assemblies, is at least dangerous, and that the example now given may be imitated at some future day, when they would willingly forget what has now transpired. On matters of interest and feeling, the people must be consulted; but I have sworn to support this Constitution, and who shall determine for me, whether this act is a violation of my oath or not? In the midst of such popular excitement, the prejudiced and corrupt are carried along by the current, the timid abandon their consciences, and upright men too often fall a sacrifice to their integrity. Could any plan of "co-operation" be necessary to bring the members of this House to a correct discharge of their duty? The feelings, both of the North and South, were enlisted in favor of an amelioration of the condition of the slave; but a regard for the Constitution, the treaty, the general rights of the people of the Union, and of the people of Missouri, prevent them from interfering. The "extension of slavery!" This is a deceitful term. If, by extending, you mitigate the evils, such an extension is humanity, is mercy. No man has passed through the States of Kentucky, Tennessee, Mississippi, and Alabama, who does not know that their condition is much better there than in the old States. By the same reasoning you give to the unfortunate prisoner the light, the pure air of Heaven, and wholesome food; and you call this an extension of his evils. You confine him to his loathsome dungeon, his brown bread, and his galling fetters, and you call this *humanity*. The supposition that you are opening a market, and thereby tempting an illicit traffic, is ideal. The present price is sufficient to tempt avarice, and an increase of value can scarcely be expected from any reasonable mode of calculation.

We are told "not to be alarmed;" there is no disposition to disturb property, in slaves, in the old thirteen States. I judge of the intentions of gentlemen from the principles they advocate. We are told that Congress may, when the Constitution is silent, exercise its sovereign power; that all men, among whom are slaves, are born equally free and independent; that Congress can do any thing conceived necessary for the general welfare, and that slavery is a great evil and ought to be abolished; that Congress, having the power to regulate com-

merce, and prohibit migration, can prevent the passage of slaves from one State to another. These doctrines lead to an unlimited exercise of power—to a declaration that slavery does not exist within the United States; but if it does, that Congress may abolish it, or confine it to narrow limits; yet we are told not to be alarmed. You conduct us to an awful precipice, and hold us over it, in your trembling hands, while you call to us, do not be alarmed. We cannot but feel alarmed for the security of our property; when such principles are advocated we assure you we are alarmed. Should you succeed, it is questionable whether you gain any thing for the slave. No respect for the Constitutional principles induces you to urge this restriction—humanity towards your country, already rent by discord, forbids widening the breach. I do not speak of disunion. I hope our Union will be as perpetual as the rocks and mountains of our continent. Disunion is a subject which I fear to have rendered familiar to the people of this country. But may I not call to gentlemen in pursuit of this imaginary good—"Spare, oh spare your country the evils which the agitation of this question has produced, and must necessarily produce, in this hitherto happy nation. Let us not, in pursuit of phantoms, destroy this last asylum of the oppressed, the only resting place of liberty, exiled from every other portion of the world."

Mr. HENDRICKS, of Indiana, spoke as follows:

Mr. Chairman: Rising, at this late hour of the debate, and preceded by many who were prominent and powerful in the discussions on this floor, it is not to be expected that very much remains for me to say. This, however, is a circumstance which I do not regret, for it is not my purpose or intention to say much. Sir, at an early period of this discussion, it was my intention to have offered, at large, to the Committee, my views on this subject, but not having been fortunate enough to have occupied the floor at that stage of the debate, I find much of the ground which I had marked out for myself occupied, and successfully, as I think, occupied by others.

With that ground, sir, I shall have as little to do as possible. I will not tire the Committee in wandering unnecessarily upon it, but will ask their indulgence while I say a few words, which appear to me necessary to be said, and which are some of my reasons for the vote I expect to give on the proposition now before the Committee. Sir, my apology for troubling the Committee is, the interest which, with others, I take in this great question, and the circumstance that that portion of the Union, of which I am a citizen and a Representative, seems to have become, in a great measure, the theatre of this debate.

Mr. Chairman, the history of the Northwestern Territory is connected with the earliest and the proudest days of this Republic, and its history in times to come will show it warmly and devotionally attached to the rights of the States and the integrity of the Union. Sir, there is nothing fortuitous or uncertain in this opinion. The States of Ohio, Indiana, and Illinois, are standing monuments of the magnanimity of an ancient and re-

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

spectable State, (Virginia.) They are monuments also of a wise and liberal policy, whence springs their happy institutions, and their freedom from slavery, that great evil of the South. They show a policy of the General Government, which, should it roll on with the flood of emigration to the West, will add a constellation to your Union, equal in lustre to the brightest star of the East. This is the view of the amendment under discussion—an amendment which commands my approbation and coerces my support. An amendment, objectionable, say gentlemen, because Congress have not the Constitutional power to enact it. Those who oppose the restriction of slavery in Missouri call for the Constitutional provision, which authorizes the measure—call for the speaking index which points to this question, as though every measure of the Government could have been anticipated, and all its future incidents seen by the framers of the Constitution.

Mr. Chairman, the language of the Constitution is plain enough for me. And here let me remark, that this amendment presents itself to my mind in a point of view different from that in which it appears to be considered, by most gentlemen who have spoken of it. This amendment is objected to, because it is understood to propose conditions for the State of Missouri. This is not the way I understand it. It speaks to the people of Missouri Territory, and not to the State of Missouri. To the people of the Missouri Territory, and to the people of all the territories, we have been in the habit of speaking. Even gentlemen on the opposite side of the question admit we may speak to them.

Sir, I think, in the progress of this discussion, it has been clearly made out that Congress may impose conditions. Indeed, this seems of necessity to be admitted on all hands, for without admitting this principle we cannot justify the government we hold over the territories, or the control we hold over the public lands within the limits of the new States. Sir, in this case, we do not dictate to, or impose conditions on, the State. We only say to the people of the Territory what we consider necessary for their constitution to contain, and without which they are not to expect admission into the Union. They are not possessed of sovereign State powers when making this constitution, nor when it is made, until Congress shall admit them into the Union. This ceremony of admission has been deemed necessary in the history of our Government, in relation to all the new States. Their sovereign State power is derived from the constitution, which has not force or efficacy until approved by Congress. It is true the power which made this constitution was in existence before, but it was chaos reduced by these proceedings to consistency and order.

But, it is said that, by this amendment, you require these conditions to be adopted by Missouri, and to come from her, because Congress have not the power to make or impose them. This, sir, is true, and is correct, in the same way that the first party to a contract must obtain the consent of the second party before the contract is complete; but, after that consent is obtained, the first party has

the same advantage from it, and it is as binding on the second party as if all had been originally in the power of the first party; for, in truth, this is nothing more or less than a contract, and it is one of those contracts which, though made in the minority of Missouri, will be binding on her after she shall arrive at full age. I deny, then, Mr. Chairman, that any thing required by this amendment is to be done in the character or capacity of a State, on the part of Missouri.

Again, sir, the treaty. The third article of the treaty so much spoken of in this debate, could not have been intended to pass the boundaries of the Constitution. If such were its stipulations, those stipulations could not be carried into effect. Sir, what created the treaty-making power? The Constitution; and the moment the treaty-making power passes the boundaries of the Constitution, that moment its powers become annihilated. We are told that it is now too late to object to the treaty—that it has been ratified by the Senate, and sanctioned by the House of Representatives, in the passage of laws to carry it into effect. Sir, I do not object to the validity of the treaty. The acquisition of Louisiana was one of the happiest epochs of our political history since the close of the Revolution. But I object to any construction of that treaty unknown to and unauthorized by the Constitution. I object to any construction of the treaty which would do away the discretion of Congress in the admission of new States. Can any unconstitutional stipulation in a treaty gain strength by the ratification of the Senate, or the passage of a law by Congress to carry that treaty into effect? Surely not. Suppose, for instance, that the treaty-making power had stipulated that the appointment of the officers, and the authority of training the militia of the States to be formed west of the Mississippi, should be reserved to the Government of the United States,—would gentlemen tell us that the stipulation could be carried into effect? No; because such stipulation would be contrary to the Constitution of the United States. Such stipulation would be an infringement of the rights of the States. And are we not to guard the rights of the General Government, as well as those of the States? The treaty, then, I understand as placing the inhabitants of the province of Louisiana in the same situation they would have been in if they had been included within the original limits established by the Treaty of Peace.

Sir, if the treaty-making power can pass the limits of the Constitution, it could have provided that the States to be formed in the province of Louisiana could have the power of making war or peace, or of creating titles of nobility. The language of the treaty is, in substance, the language of the Constitution; and the privileges and immunities conferred on the Louisianian must be such privileges and immunities as the Government of the United States can bestow; for, according to the principles of the gentlemen opposed, neither the treaty nor the Constitution can confer on the ancient inhabitant of Louisiana the rights and privileges which result from the regulations of a State, and which are the offspring of municipal

law; because these things, say gentlemen, are the prerogatives of State sovereignties, and cannot be exercised by Congress. Then, what are the privileges and immunities of an inhabitant of Louisiana under the treaty and the Constitution? They are simply those of a citizen, distinguished from a foreigner or an alien. The inhabitant of Louisiana is not subject to the requisitions of an alien law; he becomes at once a citizen of the United States. The treaty, then, does not seem to stand in the way of the free operation of the Constitution—the practice and policy of the Government—in the admission of new States. There is no guaranty in the treaty in favor of adventurers to the country, or in favor of the Louisianian, after he shall have become a member of the State Government.

The force of the treaty then fails, gentlemen. It is imposing conditions on him, in the character of a citizen of a *State*, of which they complain; and in such character the treaty has no guaranty in his favor, and it would be absurd if it had. It would be France stipulating for the privileges and immunities of citizens, not only of the United States, but of a particular State.

But, sir, to the positive language of the Constitution: "Congress shall have power to dispose of, and to make all needful rules and regulations respecting the territory, or other property belonging to the United States." Here there is a direct power; absolute control over the most important and first object of sovereignty. Here is a Constitutional power, more extensive than is necessary for the amendment before the Committee. Congress owns, in fee simple, the soil of the country. This soil may be retained by its owners, or it may be parted with on conditions. It may be leased for life or for years. These leases may contain as many conditions as may be agreed on. One of these may be, that the soil shall not be cultivated by a slave, and that it shall not be the residence of a slave. Sir, the citizen of the United States, no matter whether he be from the South or North, may constitutionally be prevented from settling that soil. Your standing armies and your militia may be marched from every State to dispossess him. This is a policy which the Government will very seldom adopt, but the power to adopt it is found in the Constitution, and it is the Constitutional power to adopt this measure which we are now in search of, and not its expediency. Sir, this part of the Constitution is not a dead letter. Look at your statute book. There you will find laws specifying this power and authorizing its exertion, in driving intruders from the public lands. It is but a few years, sir, since the President's proclamation required the exercise of this power, and, but for the relaxing policy of the Government, the military force of the country would have been employed in carrying it into effect. Here, then, is a case in which Congress may constitutionally exclude the further introduction of free-men from that soil; much easier, do I apprehend, may she exclude slaves; mere property. A case in which Congress may, after the admission of a State without restriction of slavery, hold a direct

and absolute negative over the peopling her territory with slaves.

Sir, the third section of the fourth article of the Constitution says, "that new States may be admitted by the Congress into this Union." Here, sir, is all the power known to the Constitution, on the subject of admitting new States. Congress may admit, and may refuse admission. Congress may exercise abroad an uncontrollable discretion on the subject; but, in the proper exercise of this discretion, Congress may not reject without a cause. If a cause of rejection exist, this House will know it. Congress may then examine the boundaries exhibited in the constitution submitted, to see that they do not pass the limits and boundaries of this Government; for, if the doctrine contended for by many gentlemen on this floor be correct, that Congress can only determine whether the constitution be republican or not, then the question of boundary would be an improper inquiry for this House. The people claiming admission might stop at the Sabine, or go to the Rio del Norte. They might include the more western provinces of Mexico, or go to the Isthmus of Darien. This doctrine established, with the binding obligations of the treaty to admit the people of Missouri, as contended for by other gentlemen, and the question of boundary with Spain is no longer under the sole direction of the treaty-making power. The people of Missouri may go to the West and to the South, to the furthestmost boundary ever claimed by the Government. You are bound by treaty, say gentlemen, to admit them, and, once admitted, you are bound by the Constitution to protect them against invasion.

Sir, the Constitutional power to admit new States, submits the constitution of such States to the scrutiny of this Government. Congress may, and it is the duty of Congress, to see that no provision of such constitution clashes with the Constitution of the United States; that such new State, for instance, does not assume the powers of "making treaties, alliances, and confederations with foreign Governments;" of granting letters of marque and reprisal;" or "of keeping troops, or ships of war, in time of peace, without the consent of Congress." This power, then, seems to contain all necessary guards against encroachment of principle, and where any encroachment of principle, no matter what, is likely to be attempted, it does seem to me, that it would not be too assuming in Congress, to say to a people asking permission to form for themselves a constitution and State government: Your habits and opinions, on a particular subject, make it probable, that you will introduce a principle into your Constitution incompatible with the opinions and policy of this Government. With this principle you are not to expect admission into the Union. This would be a piece of information necessary for them. It would be a beacon to direct them into the port of admission.

Mr. Chairman, another section of the Constitution comes in aid of my opinions. The fourth section of the fourth article says, "the United States shall guaranty to every State in this Union

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

a republican form of government, and shall protect each of them against invasion and domestic violence." Now it seems to me that the plain and obvious meaning of this is, that Congress may examine a constitution before she can guaranty any thing about it; and Congress must, in the very nature of this clause, have the power of judging and determining what a republican form of government is. Congress cannot guaranty any thing of which she is ignorant; and the Constitutional protection against invasion and domestic violence in favor of the States, carries with it something more than a mere supervision of the constitution, to see if it be republican; for the seeds of discord and domestic violence may be sown in a constitution, although it be republican. A thousand features may be found in a constitution calculated to produce invasion, though that constitution be republican." "Invasion and domestic violence" are effects sometimes found in States. Congress is bound to control and do away these effects. She is bound also, both for her benefit and that of the State, to do away the obvious "causes of invasion and domestic violence," and if these obvious causes are found in the constitution of a new State, Congress is bound by every consideration of justice, both to the General Government and to such new State, to require that those objectionable parts of her constitution be expunged before she is admitted into the Union. All legislative powers to check vice of any kind, are necessarily appropriated with powers of some description, to deal with and do away the causes of such vice.

Mr. Chairman, there is little danger of encroachment on the governments of the States. The States have, at all times, sentinels at their posts and within this hall. Who are we, sir, but the sentinels of the State governments—citizens of the States, sent here for the special purpose of representing them in the national assembly? With our constituents, we have a closer affinity to the States than to this Government. We feel their interests as primary ones. This has been sufficiently manifested in the progress of this discussion. If I can determine any thing from my own feelings, I know this to be the case. The rights and advantages of the State which I have the honor to represent, are those which make the strongest appeal to my heart. Sir, the overthrow of this great Republic is more in danger from the encroachments of the State governments than of this Government. Some high unconstitutional pretensions of the State governments are more likely to sap the foundations of our liberties and destroy this Government. Sir, for examples I might refer you to the histories of other nations and other times, but I need not leave that of my own country. The arm of this Government, during the late war, was paralyzed by the pretensions of a State government, (Massachusetts,) by a conflict for State rights.

But, sir, to the general scope and plain meaning of the Constitution. It is said that Congress have but one Constitutional negative over the admission of a State. Congress may require her constitution to be republican, and, if it be not, she may reject it. But, I apprehend, sir, that, in con-

struing an instrument, all its parts are to be taken together. We should never lose sight of the object of the Convention which framed the Constitution. We should never lose sight of the end and object of all good governments. These are, the happiness of the people governed. Governments ought still to be progressive, from bad, if they be so, to good, and from good to better. Perfection of human happiness is the tendency of all good governments. Slavery is an evil. It is admitted to be so by all the South; and its existence is a matter of much lamentation to them. It is, then, more natural to suppose that the evil was intended to be stopped—to be removed from the body politic as soon as possible—than that it should be extended with the extending Union. Sir, suppose slavery had no existence in the United States. A State west of the Mississippi would present you with a constitution recognising slavery, and demand admission into the Union. I think that no gentleman, from any quarter, would receive such a constitution into the Union. We should then search the constitution with an eagle's eye. The intelligence of the South would then be able to find enough to justify the rejection of such a constitution.

Mr. Chairman, I am not at liberty to inquire how the slaves of the South became slaves. I am not at liberty to inquire what ruthless hand first manacled the slave, and trampled on the natural rights of man. I may not travel out of the record, the Constitution. In that instrument, although the terms *manacle* and *slave* are not to be found, this species of property is recognised by strong language, and by definition too plain to be mistaken. With pleasure do I hear, from the representatives of the South, that this evil does not lie at their door; and with equal pleasure do I find, in the history of my country, the proof of this fact. Slavery, personal slavery, was introduced into this country by that Government whose policy it was to rivet the fetters of political slavery on the freemen of the colonies. It is a vestige of British policy which the storms of the Revolution could not do away, and which had too deep root in the Government to be eradicated by reform. It was an evil of so much magnitude that it became necessary to provide for it in the Constitution; but, being an evil, the provisions of the Constitution never meant to foster and cherish it in the Government. It was not intended to grow with its growth, and strengthen with its strength; to grow faster, and become stronger, than this Government, which it would do by planting it in the fertile regions beyond the Mississippi. Sir, it is not fairer to say that slavery has been adopted by this Government, because its existence is found in the Constitution, than it would be to say that crimes of the deepest dye are sanctioned by this Government, because their existence is recognised and admitted by the Constitution. Sir, evil is more frequently the object of legislation than good. For good, and for good men, constitutions and governments are not necessary. They are made for evil, for vicious, and for bad men. The existence of every crime is admitted in a constitution,

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

but it would be an inference, from this, entirely inadmissible, that murder was sanctioned by the Constitution, and ought not to be punished by law.

Sir, I understand the Constitution to recognise the slave of the South as the property of his master. As such, he is protected by the Constitution, and his situation is unalterable by law; but, like all other property, he is liable to the restraints of law. Sir, an honorable gentleman, endeavoring, as I understood him, to reconcile slavery with abstract principle, has said, that any thing is right and proper to be done which the safety of a people may require. Will the honorable gentleman permit us to change a little the direction of that argument, and to bring it to bear more immediately on the question? Suppose then, the safety of this great Republic to require the restriction of slavery. If the gentleman's argument be a good one, it furnishes at once, on the ground of expediency, all that is necessary with which to support the amendment before the committee. Sir, from the existence of slavery in the Constitution and Government, we are not chargeable with crime; but, when we adopt a new Constitution, or receive a new Constitution recognising slavery—when we introduce an evil in the Government, then we become chargeable with that evil. Then it is we create the condition of slavery, which before that time had no sanction of a permanent law. Then it is that we are at liberty to inquire into first principles, and to compare the situation of a slave with the natural rights of man.

Sir, on this question I should be willing to rest on the wisdom of those who have gone before me. I should be willing to say, that the construction of the Constitution, from the commencement of the Government to this period—the precedents furnished, and the system of legislation, from the much famed ordinance of 1787 almost to the present day, are sufficient lights for me on this occasion. I should say that a system of legislation continued for thirty years—a system which existed before the Constitution, and under the Constitution producing the happiest political results, is one which I would not readily believe to be founded in usurpation, and tending to the destruction of the Government. Such, sir, is the ordinance of 1787 for the government of the Northwestern Territory; the propositions offered by Congress to the people of Ohio, in the law authorizing them to form for themselves a constitution and State government; the provisions of the constitution of that State inhibiting slavery. Such were the propositions of Congress to the people of Indiana, in 1816, in the law authorizing them to form a constitution and State government. Such was the positive and absolute condition requiring that the constitution of Indiana, when formed, should be republican, and not repugnant to the articles of the ordinance of 1787, one of which prohibited slavery; and such were the provisions of the constitution of that State inhibiting slavery. Such, also, were the propositions offered to Illinois on a similar occasion. Sir, for further notice of some of the principles of this ordinance, and for additional links in this chain of legislation, I refer you to the

acts of cession of North Carolina and Georgia to the General Government—to the acts of Congress preparatory to the admission of Kentucky into the Union—to the act relative to the Territory of Orleans, authorizing the people of that Territory to form for themselves a constitution and State government. Permit me, sir, to turn the attention of the Committee to some of the conditions and restrictions of that act. The proviso to the third section is in these words:

"Provided, The constitution to be formed in virtue of the authority herein given, shall be republican, and consistent with the Constitution of the United States; that it shall contain the fundamental principles of civil and religious liberty; that it shall secure to the citizen the trial by jury in all criminal cases, and the privilege of the writ of habeas corpus, conformably to the provisions of the Constitution of the United States; and that, after the admission of the Territory of Orleans as a State into the Union, the laws which such State may pass shall be promulgated, and its records of every description shall be preserved, and its judicial and legislative written proceedings conducted, in the language in which the laws and the judicial and legislative written proceedings of the United States are now published and conducted; and that the river Mississippi, and the navigable rivers and waters leading into the same, or into the Gulf of Mexico, shall be common highways, and forever free, as well to the inhabitants of the said States as to other citizens of the United States, without any duty, impost, or toll therefor, imposed by the said State."

Of the same character is the act prohibiting the taking of slaves to the Territory of Orleans. All this, sir, I cannot believe to have been the offspring of inattention in those who have legislated since the commencement of this Government. I believe, sir, that precedents and constructions of a constitution, are as binding on Legislatures as decisions are binding on the courts of law. And the reason which requires a written constitution, requires that this should be so. Why, sir, is a written constitution necessary? It is necessary that the lines and boundaries be clearly delineated and certainly known. It is necessary, that the powers of the Government be defined and rendered certain; and, where doubts, ambiguities, and uncertainties exist, precedents and constructions define and make certain. And, sir, precedents have additional force and efficacy when formed under circumstances calculated to impress a character of intelligence and stability upon them—when formed in the calm of tranquillity and reason, remote from party excitement and political strife. Such, sir, are the precedents to which I have alluded.

But, sir, we are told that this restriction cannot be carried into effect; that Missouri is required to enact it, and that which she may enact she may amend or repeal at pleasure. Sir, there is something in this doctrine which I do not understand. There are some things in a constitution which you cannot change by amendment. A repeal of some provisions is not amendment, but destruction of a constitution. Look, sir, at the fifth article of the Constitution of the United States. There certain clauses are declared not to be amendable till after the year 1808, and another provision declared un-

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

alterable. It is this: "No State shall, without its consent, be deprived of its equal suffrage in the Senate." Would you call that amendment which would destroy the republican features of this Government, and introduce a king and nobility? Or would you call that amendment which would destroy the first principles of a State constitution—the compacts and agreements with this Government, on which its existence depended? Or suppose, sir, a new State should destroy her constitution altogether—should repeal it—break off all connexion with the Union, and set up for herself, would she still be entitled to her share of the benefits of the original compact, while she would deprive the General Government of all the advantages which she might derive from a political union with such State? This Government ought to be cautious how it propagates such doctrine. Where, then, would be the stipulations in your favor on the subject of the public lands—the compacts of the new States not to tax them, and not to interfere with the primary disposal of the soil?

But, sir, the sovereignty of the old States, and the equal footing of the new, are terms much used by gentlemen in this debate. Sovereignty, in its application to a State government, whether old or new, is a qualified term. Absolute sovereignty is not an attribute of the General Government, or that of the States. The great fabric of our constitutions consists of an union and a division of power and sovereignty. Some of the fractional parts of these adhere to the Constitution of the United States, while others adhere to the constitutions of the States. The old States were shorn of their locks of sovereignty by this Constitution. Where, sir, is the power of declaring war and making peace; of raising and supporting armies? The old States once possessed absolute sovereignty, but that attribute is no longer ascribable to them. It is true, however, they are sovereign for all the purposes of municipal legislation and domestic concern. The new States, sir, are not on an equal footing with the original States. This phraseology is qualified in relation to them. Would to God they were. They would then have resources and wealth, almost inexhaustible, in the public lands. This doctrine, sir, would be extremely pleasant to the new States. How much they would or would not yield for its application to them I cannot say; but it is reasonable to suppose they would yield every thing but principle for the soil of their country.

Sir, while the forests of the old States are their own, to dispose of at pleasure, those of the new States belong to this Government. The General Government can dispose of them or retain them as they please; can discourage emigration to the new States, prevent their population, and deprive them of taxing the lands within their jurisdiction. The new States are creatures of this Constitution, which is itself the creature of the original States. They share equally, it is true, in the high prerogatives of legislation. They are equally represented with the old States in both branches of the National Legislature, and they have equal control of the sword and the purse of the nation; but they

are deprived of the principal sources of revenue, and their history, since the formation of this Constitution, has been one of conditions, propositions, and restrictions. To some of these, however, the constitutionality of which, until the present discussion, I have never heard doubted, we, north-west of the Ohio river, are indebted for our happiest institutions—our freedom from slavery. We are content with our situation. We are rich in the salubrity of our climate, the fertility of our soil, and the navigation of our rivers. Industry and agriculture smile upon our deserts, and commerce is invited to the West. These things, sir, induce me to believe that it is expedient also to prohibit the further introduction of slavery in Missouri. On which, sir, permit me to say a few words, and I have done.

Sir, it has been said that this proposition is one of a most unfortunate character; that we have just terminated a war with one of the most powerful nations of the earth; a war in which the triumphs of our fleets and armies have given additional lustre to the Revolutionary trophies of the country; that party strifes and animosities were reclining on the lap of prosperity and peace; and that this is a most unpropitious time to agitate this question.

Sir, these considerations, to my mind, make this a most fortunate time for this discussion. I rejoice that this discussion has found tranquillity and calm on the political ocean; that it has found the nation reposing in harmony, at the close of a war, and the Administration riveted in the affections of the American people. These considerations relieve my mind from all apprehensions of disunion—a sound so often reiterated in this hall. Sir, I regret to hear gentlemen talk about civil wars; about the powers and pretensions of the various parties to this contest; of the prowess of the North, and the determined resistance of the South. We are told that there is but one opinion in Missouri and all the South on this subject. Sir, permit me to say that this is somewhat different from my information about Missouri and the people of the South. There are large numbers of the citizens of the South who do not, who cannot, and who will not, hold slaves. These have the feelings of the North on the subject of slavery and restriction. Many of these have come to the States of Ohio, Indiana, and Illinois, on that account; and many who do hold slaves would come, if they could dispose of them.

Sir, I have said that this restriction is expedient. The peopling of Missouri from the slaveholding States, while it would make no perceivable and very little real difference in the numbers of their slaves, it would fix the complexion and the aspect of Missouri, perhaps, forever. The statements and opinions of the honorable gentleman from Pennsylvania, on this part of the subject, I think entitled to much weight; but, going on the principle that evil generally gains upon good, I think it expedient to restrict. Slavery, sir, is an evil, which carries in its train many auxiliaries. It is an epidemic in the body politic. Slavery is admitted to be morally wrong; it can-

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

not, then, be politically right. It makes industry disgraceful, familiarizes with injustice, which is easily transferred from a black man to a white man. This is its natural tendency, and it will have this effect in Missouri. Every State must be supported by industry, and that is a bad policy which sinks industry into disgrace.

But gentlemen tell us that slaves in the Southern States have become too numerous; that they are burdensome to their owners, and dangerous to society. And what has produced this result? Is it that the increase of the slave population in the South has so much gained on the free population? Yes, sir, this is the fact. The statistical annals of the country prove it to be so. Take, then, this fact, and no matter how extensive the region over which you scatter your slaves, the day will come when all that region will be in the same situation in which the Southern States now are. They will be burdensome to their masters, and dangerous to society. What political safety or good, then, would result, either to the slaves or their owners, by such distribution? You would, indeed, put off the evil day, but you would pay a heavy interest in the extension of the evil. Humanity towards the slaves would not be promoted by their dispersion, and the great work of emancipation and colonization, which has to commence some day, will be easier to commence now than half a century to come. But, we are told, that the citizen of the South will go to Missouri, and that it would be cruel to prevent him from taking his domestics, his menial servants, who are attached to his family and children, along with him. But these domestics are also fathers, mothers, and children. They belong to different though contiguous estates. They have all the natural ties and affections; but they are torn asunder forever. A father is taken to Missouri; a mother and infants are left on the Potomac. Where, then, is the humanity of this measure? But I have already occupied too much of the time of the Committee. I will no longer prosecute the subject.

Mr. CUTHBERT, of Georgia, followed, and occupied the floor also about an hour against the restriction, when the Committee rose, on motion of Mr. JOHNSON, of Virginia, and the House adjourned.

WEDNESDAY, February 16.

Another member, to wit, from New Jersey, CHARLES KINSEY, appeared, produced his credentials, was qualified, and took his seat.

The SPEAKER laid before the House a letter from the Comptroller of the Treasury, transmitting a list rendered to him by the Register of the Treasury, of balances standing on what are called the Books of Receipts and Expenditures in the Treasury, of balances which have remained unsettled, or appear to have been due, three years prior to the 30th of September, 1819; which was ordered to lie on the table.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a statement of the receipts and expenditures of the

United States, from the 4th of March, 1789, to the 30th of June, 1819, with several explanatory statements, &c., rendered in obedience to the resolution of this House of the 6th ultimo; which was also ordered to lie on table.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill to amend "An act to provide for certain persons engaged in the naval service of the United States in the Revolutionary war;" which was read twice, and committed to the Committee of the Whole to which is committed the bill to authorize certain insane persons to be placed on the pension list, and the guardians to receive pensions.

Mr. SMITH, from the same committee, also reported a bill to amend an act making reservation of certain public lands for naval purposes, passed 1st of March, 1817; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. COBB, from the Committee on the Public Buildings, made a detailed report on the subject of the expenditures on the said buildings, accompanied by a bill making further appropriations for continuing the work upon the centre building of the Capitol and other public buildings; which bill was read twice, and committed to a Committee of the Whole to-morrow.

On motion of Mr. GROSS, of New York, the Committee on the Judiciary were instructed to inquire into the expediency of so altering the places of holding the district court for the northern district of the State of New York, that one term thereof may be holden at the village of Sandy Hill, in the county of Washington.

A message from the Senate informed the House that the Senate have passed bills, which originated in this House, of the following titles, to wit: "An act for the relief of William McDonald, administrator of James McDonald, deceased, late captain in the Army of the United States;" and "An act for the relief of Ether Shepley, administrator of Thomas Buckminster, late lieutenant in the 33d regiment of United States' infantry," with an amendment to each; in which they ask the concurrence of this House.

THE MISSOURI BILL.

The House then resumed, as in Committee of the Whole, the consideration of the proposed amendment to this bill.

Mr. JOHNSON, of Virginia, addressed the Chair as follows:

Mr. Chairman: Without occupying your attention by any unnecessary apologies, I shall at once proceed to the examination of the principles involved in the question which now occupies the attention of this Committee, and which, it is said, moves the great ocean of popular feeling even to the bed on which for some time it has, with so much tranquillity, reposed. In proportion to the magnitude of the effect is the solicitude of the human mind to trace to its source the cause by which it has been produced. What then, sir, has produced this degree of excitement which gentlemen assure us exists in the nation? Is it the mere

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

question whether the lands of Missouri shall be cultivated by freemen or by slaves? No, sir—no, sir—no. It is a question about power; power—that idol which has a charm, an irresistible fascination, for the human heart. It is a question calculated to test the powers of the Federal Government; to determine how much sovereignty or power is left to the States and to the people.

Gentlemen tell us that there is great excitement in the country, and desire us to be quiet and patient, lest we should add to the excitement. And pray, sir, by whom has this excitement been produced? From what quarter did the proposition come? Where have town and county meetings been gotten up, to manufacture resolutions of thanks to individual members of Congress, to stimulate them to go on with this choice work of excitement? Not in the slaveholding States—not in Virginia; but in the States north and east of the Potomac—in New York and in New England. Do gentlemen believe that they will be permitted to produce a state of general excitement and agitation in the country, and then to avail themselves of the state of public feeling, in order to silence opposition? Gentlemen will excuse us if we cannot imitate the meekness of the lamb, which crops the flowery food, and licks the hand just raised to shed his blood.

Before I proceed to discuss the Constitutional principles involved in this question, I beg leave to pay my respects to the few gentlemen whom I have had the opportunity to hear on this subject.

An honorable gentleman from Massachusetts, (Mr. CUSHMAN,) whom I mean to treat with becoming respect, commenced by telling us that no gentleman who understood his grammar, who had become a statesman, could possibly doubt the power of Congress to impose the proposed restrictions on the people of Missouri. Have we not, said he triumphantly, by the Constitution, the power expressly given “to provide for the common defence and general welfare of the United States?” Before I proceed, permit me to say that no man who ever entitled himself to the character of a statesman, ever did attempt to derive from that part of the clause, from those words in the Constitution of the United States, any powers to Congress. Alexander Hamilton, the father of implied and resulting powers; the champion of federal rights; he who submitted in the Federal Convention “his ideas of a suitable plan of government for the United States;” which plan was nearly a transcript from the British Government, changing the title of King into Governor, the House of Lords into a Senate, and limiting the tenure of office to the life of the individual, instead of making it hereditary, together with some other slight changes, to render it a little more palatable; never attempted to derive to Congress any authority from these words, from this part of the clause.

I understand the worthy gentleman is not only a follower, but a teacher, of the mild precepts of the meek and lowly Jesus—peace on earth, and good will to all mankind. Yet the gentleman talked of blood and slaughter with great *sang froid*. He spoke of a State (without naming it)

which was disposed to command, to dictate to Congress. That State, he said, must have its crest lowered. When the gentleman was manufacturing the speech which he was so kind as to read to us the day before yesterday, he must have drawn the picture which he gave us of a State in opposition to the General Government, not from fancy, but from memory—not from ideal, but real life. He must have been haunted by the image of the late Governor Strong, of Massachusetts; by the miserable faction which met in conclave at Hartford; that celebrated convention which deemed it prudent to exclude the light of Heaven from its deliberations. If we are to credit the newspaper publications, (some pieces recently published under the signature of Massachusetts,) the objects of this convention were not very disinterested, honorable, or patriotic. I will not repeat from newspapers, for I mean to say nothing in this debate for which I do not hold myself personally responsible. But, sir, what was the situation of the country when this convention of memorable existence met? Was it, as the member from Massachusetts described, all peace without, and sunshine? Was there no other evidence of a storm than that which is given in a close room, by the whispering of the wind through some cranny or key hole—merely the *Æolian harp*? Or did the enemy really hang on your maritime frontier, like the sable cloud of night, threatening to sweep with the besom of destruction your whole coast? Yes, sir, this was the situation of the country when the convention of famed memory met in conclave at Hartford; when the ministers of the Gospel in New England were denouncing from their pulpits the Federal Administration, and teaching their flocks that it was contrary to religion and humanity to rejoice at the victories obtained by the arms of the United States over the enemies of the country. If, however, the gentleman be right in his principles of construction, taking the clause which gives general legislation to Congress—making, as he does, the sovereignty reside in the Government—to use the words of a very great man, who now sleeps in the dust, this sweeping clause, this Constitution, has a strong squinting; it squints not only at monarchy, but at despotism—despotism as absolute as ever wielded the sceptre over a set of crouching slaves. Sir, I had always believed that the sovereign power in this country resided in the people. The very idea of responsibility on the part of the representative, proves that the sovereign power is in the people. The gentleman desires to explain, to which I certainly can have no possible objection. [Mr. CUSHMAN said he had admitted the sovereign power to be in the people.] And pray, sir, what does the gentleman’s explanation prove? That, although the people have retained in their own hands the sovereign power, and attempted to establish a Government of very limited, specified, and delegated powers, yet, by the use of the terms common defence and general welfare—terms used to point out the objects for which the specified and enumerated powers had been delegated—their whole object had been defeated; that, by the use of these terms, they had created a Government of

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

the most indefinite and unlimited powers. I shall, in a subsequent part of the debate, take some further notice of these rules of construction.

I will now pass on to a gentleman from New York, (Mr. TAYLOR.) I shall not notice all his remarks, nor pursue them precisely in the order in which they were made. He said that he had no spirit of hostility to the people of the South—to the people of the slaveholding States. He said that we had at length fallen upon evil days. If the policy advocated by the gentleman be persisted in, the day may indeed become evil. It may lead to conflicts of the most direful character; it may blight the hopes of the most devoted friends of liberty and self-government, and clothe this nation in mourning. "This new doctrine—invasion of State rights." Does the gentleman really believe the doctrine to be new, that every act of the General Government, not authorized by the Constitution of the United States, is an invasion of the rights of the States? Or does he mean to convey the idea that this effort to preserve the States from encroachments on the part of the General Government is unprecedented? We have had five Presidents—one only of that number taken from the country north of the Potomac. That one, although from New England—that land peculiarly blessed by liberty and equality—deemed it necessary to surround his administration by the guards furnished by a sedition and an alien act: the one calculated to stifle inquiry; the other to enable him to banish as aliens all who might be hostile or inimical to the course of policy pursued by him in the administration of the Government. Were not these acts of usurpation opposed by all the States south and west of the Potomac? Did they not kindle an unextinguishable flame of opposition in all the slaveholding States? Were they not successfully opposed by the intelligence and good sense of the people, on the following grounds: that the sedition act was a violation of an express provision of the Constitution of the United States; the alien act a violation of the spirit and meaning of the instrument, by uniting in the Chief Magistrate powers which the Constitution had confided to separate departments of the Government? Has the gentleman forgotten the opposition made to the act incorporating the old Bank of the United States; particularly to the act which contemplated a renewal of the charter; the excitement produced by that question; the great division of public sentiment which existed on the subject; the division in the Senate of the United States on the question; the rejection of the unconstitutional measure, to the immortal honor of a former Vice President of the United States, (the late George Clinton,) by giving the casting vote; the general and successful opposition to the stamp act? The gentleman cannot be serious when he speaks of this doctrine about State rights as a new doctrine. This change, as he is pleased to term it, in public sentiment, he endeavored to account for, and in a manner the most courteous. He even attempted to excuse our foibles, by stating that our opinions are frequently influenced without our being sensible of it—supposed the change to result from the enhanced value

of slaves. As far as I know, (and I do not profess to have much information on the subject,) there are but two legitimate modes of reasoning—one from fact, the other from analogy. As the gentleman does not presume to rely on facts, he must have arrived at his conclusion by reasoning from analogy.

Another gentleman from New York (Mr. WOOD) contended that the President and Senate had no right to negotiate the treaty by which Louisiana was ceded to the United States; no right to stipulate for the admission of a people residing beyond the limits of the United States into the Union on a footing of equality with the original States. I understand that this treaty was submitted to the Congress of the United States; that it received the sanction of the House of Representatives, as well as the President and Senate; that the Constitutional powers of the Government to negotiate such a treaty were then brought into discussion, and the right denied by Messrs. Griswold, Pickering, and Dana, who warmly opposed the treaty. But, sir, it is enough to say to the gentleman, that he has made the discovery too late; that his protest for defect of title should have been earlier made. What is the situation of the people of Missouri? What has been the conduct of the Government of the United States? This country has been held for nearly seventeen years. The people of the United States have been induced to migrate there in great numbers. The supreme law of the land guaranteed to them protection in the full and free enjoyment of their property. Land offices were established there, the public lands have been sold to them, and on terms very advantageous to the Government and people of the United States. Shall the Government, after deriving all the advantages which could result from this course of policy, say to the people that we purchased a defective title to this country; that we will take advantage of the defect in our own title, in order to impose hard and onerous conditions on you, as the price of your admission into the Union? Sir, shall the Government be permitted to do, with impunity, that which would crimson with blushes the cheeks of an individual?

The gentleman has made another discovery, which will certainly give him great illustration in the country; that the Constitution of the United States guarantees to every State in the Union a republican form of government, and that slavery is incompatible with a republican form of government. Again, the gentleman is rather unfortunate in point of time; he has made his discovery too late; experience and fact are both against him. It is something like a discovery, at this day, that Homer and Virgil were destitute of taste and talents for poetry. The question has long since been settled by the unerring standard of taste—the concurring testimony of ages. The same gentleman stated that the United States tendered to the people of Missouri a constitution with this restriction. Have they the right to impose it? This, sir, is a clear illustration of the principles of those who contend for the doctrine of restrictions—of those who talk about the Declaration of Independence,

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

and the right of the people to self-government. Congress tender to the people of Missouri a constitution! This is a naked presentation of the doctrine. For, in effect, the same result is produced, whether the instrument be tendered ready written, or the fundamental principles dictated, which it is to contain.

I will proceed to examine whether Congress possess the Constitutional power to impose on the people of Missouri, as the condition of their admission into the Union, the perpetual prohibition of slavery, or involuntary servitude. In order the more clearly to understand the Constitutional powers of Congress, in relation to this question, it will be necessary to establish some principles or rules of construction, to guide us in our future investigation. The sovereign authority, in this country, resides in the people. The Government of the United States is a Government of limited and defined powers. The attributes of sovereignty delegated to Congress are of high and most important character; they are, however, clearly defined, and carefully enumerated. By the 8th section of the 1st article, most, if not all the powers delegated to Congress, are carefully enumerated. In the first clause of that section, the objects which induced the people of the United States to intrust Congress with the exercise of such important and truly interesting powers are pointed out, to wit: "the common defence and general welfare of the United States." These are the objects which those extensive delegations of power were intended to effectuate. They are pointed out as the grand objects which Congress should ever keep steadily in view. They were designed as beacons to guide the Representatives of the people in the exercise of the high powers intrusted to their integrity and honor, and never designed to furnish to the Representatives of this defined and limited Government all power which they might desire, or be disposed to exercise. Congress can rightfully exercise no power, unless it be expressly given by the Constitution, or unless it be both necessary and proper to carry into effect some power expressly given. By the 4th article of the Constitution of the United States, section 3d, it is provided that "new States may be admitted by the Congress into the Union." It is contended that the power under this clause to admit new States, is in its nature general; that Congress has discretionary authority as to the admission of new States into the Union, and may impose whatever conditions it pleases, as terms of that consent. I shall take the liberty of referring to some pamphlets and speeches, which have been laid on our tables with the view to guide us in the discharge of the important duties of legislation. I hope the radiance of intellect which beams on the pages of these pamphlets and speeches, although it has afforded me very little aid in the investigation of this important subject, will light the authors to happiness. The Boston Memorial, the very title of which is calculated to mislead and deceive: it is alleged to be "on the subject of restraining the increase of slavery in the new States." In the fifth page of this memorial, it is stated that "the Territories, as such, can have no rights but

what are conferred by Congress." I know the gentleman first named on the committee which prepared this memorial; I served with him in Congress during the most gloomy period of the late war. He is certainly a man of talents. Can it for a moment be pretended by any man, that the people of the United States, wherever they may reside, have no rights except such as are conferred by Congress. The servants of the people—the mere creatures of the public will—to be the source from which the people derive their rights! Their rights to life, liberty, and the means of pursuing their happiness. The doctrine is too absurd to require serious refutation. In the same memorial, page 6 and 7, it is further alleged—"and if conditions may be annexed, it depends solely upon the wisdom of Congress what such conditions shall be. They may embrace every thing not incompatible with the possession of those federal rights which an admission into the Union confers upon the new States." The memorialists, in order to present a naked view of the doctrines for which they contend, in the 15th page, go on to show what they understand by rights derived exclusively from the State government. "The inhabitants shall be admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of citizens of the United States." The rights, advantages, and immunities, here spoken of, must, from the very force of the terms of the clause, be such as are recognised or communicated by the Constitution of the United States. The clause cannot be referred to rights, advantages, and immunities, derived exclusively from the State governments, for these do not depend upon the Federal Constitution. Besides, it would be impossible that all the rights, advantages, and immunities, of citizens of the different States, could be at the same time enjoyed by the same persons. These rights are different in different States; a right exists in one State which is denied in others, or is repugnant to other rights enjoyed in others. In some States, a freeholder alone is qualified to vote in elections; in some a qualification in personal property is sufficient; and in others, age and freedom are the sole qualifications of electors. The bare presentation of this reasoning is sufficient to prove how difficult it is to support error, even when the most ingenious volunteer their services as its advocates. It is first contended that the Territories, as such, (surely meaning the people who inhabit the Territories, and not the lands which compose the Territories,) can have no rights but what are conferred by Congress. Secondly, that conditions may be annexed to the admission of a State into the Union, which may embrace every thing not incompatible with the possession of those federal rights which an admission into the Union confers upon the new State. Thirdly, it is emphatically contended, that the right of suffrage is derived exclusively from the State governments. The Territories, as such, can have no rights but what are conferred by Congress. They may be denied all rights which are not federal. If the reasoning

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

were true, the most important right which can be enjoyed by a freeman, in civil societies, to wit, right of suffrage, could never be enjoyed by the citizens of a Territory. How would they elect their Representatives to Congress? Such reasoning is too absurd to merit further notice.

I will not occupy the time of the Committee by reading from the treaty of April, 1803, by which the French Republic ceded to the United States Louisiana; that clause which secured to the people of the ceded territory the free enjoyment of their liberty, property, and the religion which they professed, and provided for their speedy admission into the Union, according to the principles of the Federal Constitution, because the clause has so often been read that it must be distinctly remembered by every member of the Committee. By the Constitution of the United States, article 6, "all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." I beg leave to refer the Committee to the printed speech of Mr. King: he remarks, page 7, "It is further objected that 'the article of the act of admission into the Union, by which slavery should be excluded from Missouri, would be nugatory, as the new State, in virtue of its sovereignty, would be at liberty to revoke its consent, and annul the article by which slavery should be excluded. Such revocation would be contrary to the obligations of good faith, which enjoin the observance of our engagements—it would be repugnant to the principles upon which Government itself is founded. Sovereignty, in every lawful government, is a limited power, and can do only what it is lawful to do. Sovereigns, like individuals, are bound by their engagements, and have no moral power to break them. Treaties between nations repose on this principle.' This appears to be as complete a surrender of the question as could be made by any terms which belong to the language in which they are expressed. The treaty ceding Louisiana, of which Missouri was a part, expressly secured to the people their liberty, property, and religion, and provided for their speedy admission into the Union, according to the principles of the Federal Constitution.

Treaties, made under the authority of the United States, are, by the Constitution, declared to be the supreme law of the land. Mr. King places the obligations of a treaty on the same ground, and gives to them equal force in a moral point of view, with those obligations which bind the members of society to each other, and secure obedience to their Government. Let us contrast this great and distinguished statesman with himself. Let it be remembered that, at the time Louisiana was ceded to the United States, the people of that country held slaves, and that their slaves constituted a very important part of their property. Mr. King, page 7: "As all nations do not permit slavery, the term *property*, in its common and universal meaning, does not include or describe slaves. But, admitting that such was the intention of the parties, (to wit: to include slaves under the term *property*,) the stipulation is not

only temporary, but extends no further than to the property actually possessed by the inhabitants of Missouri, when it was first occupied by the United States. Property since acquired by them, and property acquired or possessed by the new inhabitants of Missouri, has, in each case, been acquired under the laws of the United States, and not during or under the laws of Louisiana. Should, therefore, the future introduction of slaves into Missouri be forbidden, the feelings of the citizens would be reconciled to their exclusion; and the inconsiderable number of slaves owned by the inhabitants at the date of the cession of Louisiana, would be emancipated, or sent for sale into States where slavery exists." I know the influence which Mr. King has in certain portions of the United States, among a particular description of politicians. He is certainly a man of very great experience, and ought to be well skilled in diplomacy. I appeal to the Committee, and ask, confidently, whether a greater want of candor could be exhibited? I say candor. A treaty, solemnly entered into, the stipulations of which were peculiarly designed to extend protection to the inhabitants of the ceded territory; to secure to them the complete and absolute control over their property, which consisted, to a very large amount, in slaves; and this grave statesman affects to doubt whether the contracting parties intended to include slaves under the term *property*. Again, a condition submitted to by the people of Missouri, in order to obtain admission into the Union, would be perpetually binding on them and their posterity; because good faith requires an observance of engagements, and because treaties between nations repose on this principle. Yet, the stipulations contained in the treaty of cession, are utterly disregarded; stipulations which have been again and again recognised, by the Government of the United States, in the most solemn and impressive manner—not only at the period when the treaty was ratified, but at the admission of Louisiana into the Union; and in every act of legislation, for the territorial government of the whole country, ceded by France to the United States, from the date of the cession in April, 1803, to the present moment. Such inconsistencies require no further comment.

The power to make all needful rules and regulations respecting the territory and other property belonging to the United States has been much relied on by Mr. King and others, as giving to Congress the power to impose the condition, or restriction, on the people of Missouri. The arguments derived from this grant of power have been so fully met and refuted, by those who have preceded me in the debate, that I shall not detain the Committee by going over the ground, but barely remark that the proposed amendment is intended to operate, not on the territory or other property of the United States, but on the citizens of the United States and their property. Property which they have held, and been induced to acquire, on the faith of the pledge, solemnly made by the Government of the United States, that the people of that territory should be protected in their civil and

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

religious privileges, in the enjoyment of their property, and that they should be admitted into the Union as soon as possible, according to the principles of the Federal Constitution, and to the enjoyment of all the privileges and immunities of citizens of the United States.

The power to regulate commerce is among the express powers delegated to Congress. This power has been resorted to, in order to prove that Congress can, constitutionally, impose on the people of Missouri the condition, or restriction, contained in the proposed amendment. This branch of the subject shall be noticed hereafter.

The political doctors of the day, not satisfied with resorting to the different clauses of the Constitution, which give to Congress power to make all needful rules and regulations respecting the territory and other property belonging to the United States; to admit new States into the Union; to regulate commerce; to provide for the common defence and general welfare; have most strangely resorted to the 9th section of the 1st article of the Constitution, to derive, for Congress, this omnipotent power of fixing immutably the fundamental principle, by which the people of Missouri and their posterity are to be governed. This section, from the beginning to the end, contains nothing but prohibitions and restrictions on the powers of Congress. The first clause of this section contains the prohibition, on the power of Congress, relative to the migration or importation of such persons as any of the States shall think proper to admit prior to the year 1808. I shall not dwell on the terms migration and importation, which have been so often repeated, during this debate, as to cause them to grate on the ear as harshly and disagreeably as the chains of the convict.

I am very happy that the gentleman from South Carolina, (Mr. PINCKNEY,) a member of the Convention which formed the Constitution of the United States, has given an account of the understanding of the Convention, as to the true import and meaning of these terms, which corresponds completely with the definitions given of them by the most learned and the best speakers who have taken part in this debate, to wit, that migration was applied to all persons of whatever color or description, who should voluntarily remove to the United States, or any particular State—importation, to all persons who should be brought, by the will of others, into any of the States. All contracts or compacts may grant more or less than the contracting parties designed to convey. If Congress possess no other power over the subject of migration or importation, than what can be derived from this 9th section, it is, to my mind, most perfectly clear, that not a single power is possessed over the subject.

It will be recollected by the Committee that the preceding section contains an enumeration of the powers designed to be intrusted to the Congress of the United States. Would it not be a most singular inconsistency for men of very inferior perspicacity and intelligence to those who framed the Constitution of the United States, who should be engaged in a work of such deep and moment-

ous importance as that of preparing a form of government for a free people, who were jealous and watchful of their liberties, in order to form a government of limited and defined powers which should be perfectly secure from abuse? First, to enumerate, with care and accuracy, the several powers intended to be intrusted to the representatives of the people—yielding to the well founded jealousy entertained of the propensity of man to abuse delegated powers, that the very singular mode should have been adopted to confer new and more extensive powers, by prohibiting, except under peculiar circumstances, or for a limited time, the exercise of some of the most important powers, expressly delegated, or resulting by necessary and unavoidable implication, from powers thus conferred. Sir, there is no rule of construction; no principle of reason, which is not opposed to such a mode of imparting power. I know I may be met with the objection, that it is from this clause that Congress derives the power to suspend the writ of habeas corpus. To which I answer, that Congress derives from this clause no power over the writ of habeas corpus; that it was designed to furnish a rule of construction, to prevent the abuse of power by suspending this writ, on which the personal security and liberty of the citizen so much depended. The people of this country had not long shaken off the yoke of a foreign tyrant. They had had many painful evidences of the abuse of power by the British Government in suspending the great and efficacious writ. But can it for a moment be doubted that Congress has the Constitutional power to suspend the writ of habeas corpus? But for the prohibition contained in this section on the exercise of this power, it might have been very much abused. Are not the powers delegated to Congress, in their nature sovereign? Is not the power to declare war a high sovereign power, confided by the people to their representatives? Is not the power to create tribunals inferior to the Supreme Court, expressly given? Is not the whole judiciary of the United States organized by an act of Congress? Are not the forms of writs, and the rules of proceeding, prescribed by Congress? Can it be at all doubtful that the power which, under the Constitution, prescribes the rule of action; in other words, gives the law to the courts and the people, when the public interest demands it, can suspend even this highly important and remedial writ? This was known to the Convention; the prohibition was wisely inserted, as a necessary guard to the liberty of the citizen.

Again, it may be contended that, from the 10th section of the same article, which contains nothing but restraints and prohibitions upon the exercise of certain powers by the States, that they, when actually invaded, or in such imminent danger as will not admit of delay, derive the power to keep troops and ships of war, to enter into compacts with each other, with foreign Powers, and even to engage in war. Not so, sir. It serves merely as a rule of construction, as an additional evidence of the jealousy of the people of this country of their rights and liberties, and of the propensity of

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

man to abuse power when intrusted to him. Not a right is conferred on the States by this section. The States, in relation to the General Government, and in reference to their defence, occupy the same ground as individuals. Whenever a government is unable to defend the citizen, the right of self-defence, a natural right, recurs to him; so of the States. When the General Government is unable to defend the States, the natural and inalienable right of self-defence reverts to the States, and authorizes them to defend and preserve themselves.

Shall I be permitted to invite the attention of the Committee to the amendments to the Constitution of the United States, articles first and second? These articles contain prohibitions of a very singular character, on the exercise of powers by Congress. I confess that I have never seen these articles without regret. I have considered them as disgraceful to the high and lofty character of the American people. I presume, if a convention were now called, to frame a constitution for the people of the United States, that, instead of embodying a few general and fundamental principles, contained in a little pamphlet like this, [holding the Constitution in his hand,] it would require a large folio volume to contain the necessary restrictions and prohibitions on the Government against undue and unwarrantable exercise of power. What are the prohibitions in these articles? "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed." I ask the Committee to pause for a moment, and to reflect on the character of these prohibitions. What must have been the jealousy of those who deemed it necessary to guard against the abuse of power, by such restrictions, on a Government of limited, defined, and delegated authority? Under what pretence could Congress dare to interfere with affairs of religion—with the freedom of speech or of the press? Under what state of things could it be presumed to be necessary for the sovereign people of the United States to retain to themselves the poor privilege of assembling peaceably to petition, not their sovereign lords and masters, but their public servants and agents, for a redress of grievances? To what daring usurpations must they have looked, when it was deemed necessary to secure to freemen the privilege of keeping and bearing arms? But, sir, Constitutional securities against the abuse of power, of delegated and limited power, seem to be but beautiful and splendid illusions.

Notwithstanding these securities to the freedom of speech and of the press, we have seen the day when a sedition act was deemed both necessary and proper, (among a particular description of politicians in this country,) of course Constitutional. This act was deemed necessary to guard the individual who held the reins and guided the car of

State. This illustrious Chief Magistrate, who was thus entrenched behind the protecting influence of a sedition act, was from New England—that land so peculiarly blessed by freedom and equality; that land where slavery is unknown. May the time not arrive when the science of political chemistry shall be better known; when the use of the alembic is better understood; that it will be discovered that Congress has the Constitutional power to prevent the people from assembling peaceably for any other purpose but to petition their lords and masters, the Congress of the United States, for a redress of grievances! Entertaining the opinions which I do, of the limited character of the Government of the United State, of the responsibility of the officers of this Government to their constituents; of the absolute, uncontrolled, and uncontrollable power of the people over not only their public servants, but of the Constitution and form of Government itself, those reservations of privileges, and limitations of power on the Government, appear to have resulted from infatuation or a sickly sensibility, which induced the framers of the amendments to reserve to the people, as privileges, what they held as rights; rights which, whenever invaded, ought to arouse the people to the most prompt and vigorous resistance. Yet, sir, experience may prove that they were right. If the Constitution be thus successfully invaded, and the people should tamely submit, other and more effectual limitations will be required.

But, sir, it has been triumphantly asked, if Congress possess no power, no authority on the subject of admitting new States: if no condition can be annexed: if any people who think proper to apply, have the right to admission into the Union? To which I reply, that Congress, unless bound by previous obligation to admit, has the unqualified authority to reject. That, under the fourth article of the Constitution, which guarantees a republican form of government to every State in this Union, Congress has the right to require that the State applying for admission shall adopt a republican form of government.

Permit me, Mr. Chairman, to inquire into the character of the population of Missouri. By whom has that Territory been settled? Are the inhabitants strangers, foreigners, aliens to our Government, manners, religion? Or are they native citizens of the United States? They are native citizens; many of them have fought and bled in defence of the principles of which all here so proudly boast. Many of them are the descendants of gallant men, who furnished from their own veins the cement for this our temple of liberty. I have the pleasure to know some of the citizens of Missouri. They are men who can rear their crests by the side of any gentleman in this House, from whatever section of the country he may have come, and for virtue, intelligence, patriotism, and valor, proudly challenge a comparison. I allude to the O'Fallans, the nephews of George R. Clark—a name held in sacred regard by Kentucky and Virginia. The man whose chivalic spirit and daring enterprise, conquered the finest portion of country in the Union—the country north and west of the

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

Ohio—the country which is now represented in Congress by men who are aiding to place fetters on the nephews and relatives of this very man. Nephews who have proved themselves to be true and genuine branches of the original stock.

I beg leave to inquire into the pretensions of the people of the North and East, to form constitutions for their neighbors. Have the people of those portions of the Union been peculiarly blessed by political tranquillity, harmony, and happiness? I will not point to the political commotions which have so frequently and so violently agitated the peaceful relations of the people in our Northern and Eastern hemisphere, because they are familiar to all. I will barely refer to facts, supported by high authority. Connecticut, until very lately, never had a constitution. The Governor of Massachusetts, at the late session of the General Assembly of that State, recommended the call of a convention to revise and amend the constitution of the State. The Governor of New York recently recommended, to the Assembly of that State, the propriety of calling a convention to re-model and amend their constitution. In his speech to the two houses of the Legislature, at the opening of their session, he presents the following striking picture of the political agitations and excitements which exist in that great State: "While this State has made rapid and signal advances in prosperity, it has been more obnoxious to the excitement of party than any member of the Federal Union. Even during the gloomy periods of the Revolution, this spirit was exhibited in a variety of shapes, and since that time it has scarcely ever ceased to agitate society. After giving full weight to the operation of other assignable causes, we are forced to conclude that there is a radical defect in the constitution of our government; that it either wants some essential check against the progress of party, or that it contains in its arrangement the elements of discord and excitement." After this very strong picture of the political cabals which agitate his own State, and disturb the peace and tranquillity of its citizens, modesty would seem to require that his Excellency should remain quiet and silent about the affairs of his neighbors; that he should direct his own energies, and engage the energies of his State Legislature, exclusively to correct existing abuses at home. Not so his Excellency; although he admits that for more than forty years he and all the distinguished statesmen of his great and distinguished State, have not been able to correct the radical evils under which they have labored, he is ambitious to influence the deliberations of Congress, and extend his fostering care to the people of Missouri, by furnishing them some of the fundamental principles by which they and their posterity are to be governed.

He thus impresses, in his speech, on the Legislature, the necessity of interposing:

"Nor can I conceal, on this occasion, the deep anxiety which I feel in a subject now under the consideration of the General Government, and which is unfortunately calculated to produce geographical distinctions. Highly important as it is to allay feelings so inauspicious, and to cultivate the most friendly com-

munion with every member of the Confederacy, yet I consider the interdiction of the extension of slavery a paramount consideration. Morally and politically speaking, slavery is an evil of the first magnitude; and, whatever may be the consequences, it is our duty to progress, in all cases where such prohibition is allowed by the Constitution. No evil can result from its inhibition, more pernicious than its toleration; and I earnestly recommend the expression of your sense on this occasion, as equally due to the character of the State, and the prosperity of the Empire."

Sir, New York is entitled to my thanks, and to the thanks of the nation, for the interesting and gallant stand which, under the auspices of her late patriotic Governor, (Daniel D. Tompkins,) she during the late war with Great Britain, made against the common enemy. But I must be permitted, after the above statement of facts, to enter, for the people of Missouri, a solemn protest against the interference of the people of the North and East with their fundamental and municipal regulations—first, for the want of capacity; and, secondly, because they have no right to interfere.

May not the people of Missouri, with great force and propriety, say to the people of New England and New York, look to your own affairs; tranquillize the political discord and excitement which agitate your own bosoms; heal the wounds which the political parties in your own States are perpetually inflicting on each other. Let us alone; permit us to manage our own affairs in our own way. We fear the constitution which you are endeavoring to impose on us will either want some essential check against the progress of party, or that it will contain in its arrangement the elements of discord and excitement. We think no evil can result from resisting with manly firmness and fortitude, this unconstitutional and unwarrantable effort which you are making to invade our sovereignty and independence, so pernicious, as would be a base and tame acquiescence on our part.

The doctrines of humanity and religion have not been much pressed into service by the restrictionists latterly. It is somewhat singular that the passion of humanity should, at the same instant of time, have seized so strongly upon New England and Old England; that this passion should have been so strongly and so singularly enlisted in favor of the black slaves in the United States. Slavery on every other portion of the globe seems to have had no effect on the sympathies of these philanthropists. They have not been excited by the condition of the white slaves of Europe; nor by the sufferings of the white, black, and party-colored slaves of the Indies. The African slave trade—the enslaved descendants of Africans in the United States—are the subjects of peculiar sensibility and interest to those who have recently engaged in proclaiming the doctrines of benevolence and humanity. The peculiar and strongly-marked hostility of Old England to the people of the Southern and Western States, the holders of black slaves, is well known. Let the people of England—of Great Britain—cast their eyes on the map of the earth, and see what a large proportion of its habitable part is covered, and by millions of human

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

beings held in the most wretched state of bondage, by the policy of their own Government. In the West Indies, in Europe, in the East Indies, millions of human beings, presenting every shade of color, and every grade of suffering and misery, testify by their execrations that they are the victims of British policy—of British cruelty and ambition. Yet we find the pages of every public journal in Great Britain filled with exclamations and denunciations against the holders of black slaves in the United States. England, despotic and heartless as she is, still endeavors to preserve the appearance of some regard and respect for the opinions of the world. She still can blush, or appear to blush, by keeping the veil closely drawn. It would not do for her to express much sympathy for white slaves. Her half-fed and badly-clothed subjects in the highlands of Scotland; her enslaved subjects in Ireland; would attract painful attention. The miserable condition of the people in the East Indies, rendered thus miserable by her despotic policy, would intrude itself. The white slaves in every part of Europe, therefore, fail to excite her humanity. The Hungarian peasant, whose state of slavery and subjugation, according to *Bright*, are infinitely more oppressive than that of the black slave in America, excites no portion of her sympathy or humanity. Can England disguise the fact—can her friends conceal it—that she has done more to entail misery on the African race, and their descendants, than all the other Powers of the earth?

Humility is said to be the most odious garb in which Pride can be dressed. This may be true, sir; but it is still more odious to see Ambition dressed out in the meek habiliments of religion, with humanity on her lips, whilst the love of power swells her heart. We need take but a glance at the history of the times that are past, to see this same Ambition, covered with the mantle of religion, profaning the God whom it affected to adore; poisoning the stream of human felicity; rioting on the sufferings of the innocent. Shall we look for examples to the land which is sometimes called the land of our ancestors—to Great Britain—to happy England? If we look to the reign of the bloody Mary or the present Regent, we shall see the spirit of ambition arrayed on the side of humanity and religion; how happily, let the blood and the tears of the Catholics of Ireland, shed by the same sabre which has been drawn in defence of the Catholics of Spain, testify. The worship of the Deity has been proscribed to the Catholics at home—to the Catholics of Ireland—whilst the Spanish Catholic has been sustained by the same authority, even at the point of the bayonet, to his altar and his God. And all this has been done in the name of humanity, and under the pretext of devotion to religion!

But, sir, it will be expected that I should say something on the power of Congress to interdict the African slave trade. The power to regulate commerce is delegated to Congress in general and comprehensive terms. The most essential attribute of the power to regulate, by law, the trade of the country, is to preserve the purity and justice of the trade. The African slave trade came properly

within the power to regulate commerce. This trade, which was carried on in fraud and injustice, by kidnapping, is as completely within the power of Congress to interdict, by punishing the citizens of the United States engaged in it, as piracy, or any other fraudulent and swindling traffic. It results from the general power to regulate the commerce of the country, and not from the limitations on the exercise of the power by Congress over the migration and importation of such persons as any of the States should think proper to admit prior to the year 1808. There is no express power given to Congress to prevent the migration of foreigners to the United States; but the power to establish a uniform rule of naturalization is expressly given. This power is given to enable Congress to promote the common defence and general welfare. The general power to make citizens must necessarily include the power to judge of the expediency of exercising the power, and extend to the power of excluding the applicants from settling and residing within the limits of the Union. Otherwise it would have been in the power of several Governments in Europe to have thrown into this country such a large number of persons, as not only to have influenced our deliberations, but actually to have endangered our safety. The members of the Federal Convention saw the necessity of clothing Congress with this important power; they also saw and knew how important it was to the prosperity of the country, that its population should be augmented by migration; and, as the several States had governments capable of deciding this question of policy, at least for a limited time, the exercise of the power over the subject was prohibited to Congress until 1808.

The agitation of this question, if productive of no other good consequence, must be calculated to settle a question heretofore of doubtful policy. It must convince the people of the United States that their territory is sufficiently extensive. If every accession of territory shall, when the population becomes sufficiently numerous to demand admission into the Union as a State, thus agitate the Confederacy, and threaten to reduce society to its elements, for one, I am disposed to fix the limits where they now exist; to extinguish no more Indian titles to lands beyond the acknowledged limits of the United States. I think the Florida purchase may be considered as settled. If, after so many years negotiation, if, after so many prevarications on the part of Spain, we are, in order to secure a few millions of dollars to our merchants, to procure that which is to promote the spirit of discord, hatred, and disunion among the States, it may be well to pause, and inquire whether the price will not be too high.

Sir, I am attached to the Union; but it is a rational attachment. I have no superstitious attachment, either to the Union or any thing else. I am attached to the Union, because I believe it calculated to secure the political rights, tranquillity, prosperity, and happiness, of the people of this country. The moment the Union shall fail to secure and promote these objects I shall detest it, as I would any other species of despotism.

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

With what propriety can those who, during the Revolution, embarked with us their fortunes and their hopes on board the same ship; who gladly clung to us during the hour of danger, after it stood the storm during the Revolutionary conflict, and rode triumphantly through the tempest during the late war with Great Britain—passing safely over the rough sea which set in from abroad, undisturbed by the ripple added by domestic faction—now that all is peace and sunshine, turn upon us, and upbraid us with the stains and spots of negro slavery; a species of slavery which existed before and during the Revolution in every State in the Union; which has always existed since the Revolution, in portions of this country, and which they bound themselves, by the most sacred of all compacts, never to disturb? Let the parties to the compact, who have been borne thus safely and happily in this old ship, but adhere to the charter-party—the Constitution—I have no doubt she will glide in safety on the wave of time to the end of the present century, prepared, at that period, still to go on with the fairest prospect of a successful voyage to the close of the next century. Permit me to borrow the dying words of the immortal Lawrence, while his eye was glazed by death: honor and glory brightened on his brow—he exclaimed, “don’t give up the ship!” I say to you, hold on to the Union—don’t give up the political ship—cling to the original charter-party—the Constitution; all will be well—the nation will be happy.

Is there a citizen of the United States who has not felt his bosom warmed and animated by the sun of our political confederacy? The sun which, on the 4th of July, 1776, rose with such unusual brightness and matchless splendor, which, for more than forty years, has warmed and animated this society, and lighted its path to glory and to happiness. Shall the political balance and harmony of our system be destroyed, and that sun be precipitated, with disastrous ruin, on the bosom of this society, which it has so often cheered and brightened into joy and felicity? I trust that Heaven will avert the sad calamity. That, under the genial influence of this sun, that flowering wreath which has so long bound in concord and harmony this Confederacy, will maintain an imperishable verdure—that its bloom will be perpetual, its fragrance immortal!

Mr. DARLINGTON, of Pennsylvania, addressed the Chair as follows:

Mr. Chairman, I wish to submit a few remarks on this question; and I trust the Committee will be disposed to extend their indulgence towards me for a few moments, when they recollect that I am not in the habit of trespassing upon their patience in this way. I am very sensible that I shall not be able to do justice even to my own views of the subject; for I am utterly unpractised in the business of public speaking; yet, believing that this is a question of vital importance, not only to the character of this nation, but likewise to its safety, prosperity, and happiness; and believing also, that some erroneous impressions exist, in relation to many of those who advocate the amendments be-

fore you, I feel constrained to attempt a few observations.

I shall not presume to undertake an exposition of ambiguous Constitutional points, after the very able and learned discussions which we have had from gentlemen who have preceded me. Such an attempt would, in my opinion, be as unnecessary now, as it certainly would be presumptuous in me at any time. I shall, therefore, content myself, at this stage of the debate, with offering some of those views which present themselves to a common understanding. And here, sir, as an American, proud and jealous of our national character, I trust I may be permitted to say, that it is a source of no little mortification to me to see the Congress of these United States, in the 44th year of our independence, seriously sustaining the question whether it be rightful and expedient, without an uncontrollable necessity, to sanction human slavery in the new republics which are to be added to this Confederacy? I had once fondly hoped that such a spectacle would never have been exhibited by us, to gratify the malignant envy of the despots, and their execrable parasites, who outrage the rights of mankind in the Old World, and who sicken at the idea of their conservation here. I had hoped, that we should have persevered with unanimity, as we have hitherto done, in erecting new republics upon the true and genuine principles of our Government, excluding human slavery with the utmost care and solicitude, wherever it should be in our power to do so. The generous and predominant sentiments of the American people, as far as I have had an opportunity to be acquainted with those sentiments, seemed to me to warrant such a hope; and I cannot yet relinquish the idea.

We have been told, indeed—and I feel it my duty, as a Representative of *Republican Pennsylvania*, to notice the remark—we have been told, Mr. Chairman, that, however laudable may be the motives of many who are in favor of restricting slavery, yet that there are political jugglers behind the scenes, who are making use of the proposition and its advocates, as the forlorn hope, and the last desperate effort of an expiring party. Sir, where I am best known, it would be needless to say that I have nothing to do with their views, their efforts, or their hopes; that I have never had any concern or connexion with that expiring party. From my earliest youth, upwards, I have been a democratic republican; and I leave it to those who have once belonged to the aforesaid expiring party, if there be any such here, to develop the schemes of their jugglers. I have never been in their secrets; but I cannot help observing, that I see gentlemen who are avowed members of that unfortunate party, zealously engaged in the ranks of our opponents, in endeavors to defeat this amendment. Sir, I do not believe it is a question of party views with any man who loves his country, or feels an interest in its reputation and permanent welfare. But, sir, I have always been taught to believe, that it was no part of republicanism to authorize, or even to connive at, slavery, in the formation of governments, where it could possibly be prevented. I will here frankly confess, too, that it is cause

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

of pain and regret to be opposed to gentlemen for whom I have the highest regard, and with whom it has generally been the pride and the happiness of myself and my colleagues to co-operate. But, on this occasion, I must pursue a course, however opposite to that of my Southern friends, which a solemn sense of duty renders imperative; and I ask gentlemen to exercise their accustomed liberality towards us. If they think it strange that we, who have generally acted with them, are opposed to them on this subject, we can only say, that we think it equally strange, and we do most sincerely regret, to find them in opposition to us.

What is it, Mr. Chairman, which this amendment proposes, and which seems to excite such an uncommon degree of sympathy for Missouri? What is the mighty bugbear that so alarms gentlemen? Is it proposed to bind her, hand and foot, and deliver her over to the dominion of despotism? Sir, a man of plain comprehension might well be astonished if he were to learn, for the first time, after hearing the arguments and forcible appeals of gentlemen, that the simple proposition before you is, to enable Missouri to become an independent Republican State, and to secure her from the dreadful curse of slavery! We propose to do that for her which we have already done for the States northwest of the Ohio, and for which the citizens of those States will be forever grateful. Mr. Chairman, the existence of slavery seems to be universally considered a great moral and political evil in the community. Honorable gentlemen who have an intimate knowledge of its nature and tendencies, have emphatically termed it a curse and a scourge to society. The ancient and respectable Commonwealth of Virginia perceived, at an early day, the evils which it would entail upon her, and she protested against the further increase of it. But the Government of Great Britain, regardless of the welfare of her colonies, permitted the temporary interest of a few to endanger the prosperity, the happiness, and the safety, of the countless generations who were to succeed them. We know that this tremendous evil was fastened upon our country by the mercenary, heartless policy of an arbitrary, commercial Government, not only without our agency and consent, but against our earnest protestations. But I beg to ask, sir, what it is we are about to do? I wish every member of the Committee would seriously consider this question. What is it we are about to do? Sir, unless this amendment prevail, we, the Republican Congress of the United States, are about to permit the temporary interest of a few individuals (for few they are, compared with the numbers who are hereafter to exist there) to entail this same transcendent curse upon the unborn myriads of our posterity, who will, in future times, inhabit the fertile regions of the West. Yes, sir, as we now view the conduct of Great Britain, in imposing or authorizing slavery in some of our ancient Commonwealths, so will the future citizens of these Western Republics regard this Congress, unless we interpose to stay the progress of the desolating evil. If we suffer this pernicious population to ramify and diffuse throughout the new States formed in our territories,

their citizens will one day direct their agonized views to the proceedings of this body, and deplore the policy which sanctioned their dreadful destiny. They will find themselves doomed to evils, by our connivance and authority, which it will be vain and hopeless to attempt to remove. Will any gentleman of Virginia or Maryland say, that it would not have been a happy circumstance for their own States if the early settlers had been prevented from introducing slaves among them? And will it not be equally beneficial to exclude them from the Western Commonwealths? Can there be a doubt about this? No, there cannot. Then now is the time to interfere; and it is now or never. But it is objected, that we are presuming to judge for the people of Missouri. Sir, I consider that we are interested in this question as well as the people of Missouri. We are judging for ourselves as well as for them; and we are enabled, by melancholy, dear-bought experience, to judge correctly. Gentlemen have acknowledged, that they would advise an exclusion of slavery, because they know it is an inveterate and incurable evil. But, sir, although we know the future citizens of Missouri would be grateful for the restriction, it is not from an officious disposition to meddle with concerns which are foreign to us, that we urge it. No, sir. If the Missourians were to be a separate people, it would be nothing to us how many slaves they had, or what regulations they adopted. Although we might wish them to enjoy republican freedom, it would be none of our business what they were, or how they were governed. But, Mr. Chairman, they are to become a constituent part of this Confederacy; they are to be members of our political family. They are to be co-partners in our great national firm: and are not we interested in the character and condition of those who propose to join us? Have we no right to judge of the fitness of those who wish to participate in our affairs? We have embarked in the business of free government. We have recognised the sublime doctrines of the rights of man in our own States, as far as existing circumstances would permit: and do we not owe it to consistency, to our high character, and lofty pretensions, nay, to our own welfare and safety, to carry this recognition of sound principles into all the new governments erected under our authority, and which are to join us in the magnificent scheme? Do not the wise and the virtuous, the friends of freedom and mankind, in all parts of the world, anxiously expect it at our hands? Shall we blast the hopes of those philanthropists, who regard our country as the great asylum, the last and only refuge of liberty and rational government? Forbid it Heaven! We are solemnly bound not only to secure our own welfare, but to provide, as far as we can, for that of our posterity. When we know that the welfare of our descendants in Missouri, as well as in the United States generally, requires the restriction of slavery, how can we reconcile it to our sense of duty to permit the unnecessary introduction and diffusion of an evil which we are sure will be the scourge of countless generations? But, say gentlemen, the people now in Missouri may not choose to exclude slavery;

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

and they have a right to judge for themselves in this matter. And pray, sir, have not this Congress a right, also, to judge for themselves, whether it will be for the good of the Union to admit new members who hold mankind as slaves? If the people of this nation, or a great majority of them, believe, as I have no doubt they do, that it would be pernicious and dangerous to add new States, of this description, to the Union, have they not a right, and a discretionary power, to exclude such States? If they have not, then they are in a most deplorable condition. They are then deprived of the right of self-preservation, which is a right inherent in all bodies. Sir, we have the right of self-preservation; we have the right to judge of the means of safety; and it is our solemn duty to exercise it, and to guard against evil, whenever it is in our power to do so. It is our duty to take care that the Republic receive no detriment; and believing that it would be highly detrimental to this Union, and destructive to the first principles of our Government, to sanction the creation of new members with a power to establish human slavery where it is not absolutely necessary, I feel bound to oppose it. I should deem it a dereliction of duty, on my part, to connive at such an evil, for which I could not hope to be pardoned, either here or hereafter. I am perfectly satisfied, that the clause of the Constitution which says "new States may be admitted by the Congress into the Union," gives us the right to judge whether they *ought* to be admitted. We must exercise our discretion, and ascertain, to our satisfaction, whether such "new States" are of a character to increase the strength and promote the welfare of this Union; or whether they may not endanger our safety and happiness: for I contend we have a right to consult our safety and to pursue our own happiness. The Declaration of Independence is surely correct when it asserts this right; notwithstanding some of its doctrines have been ridiculed and denied on this floor, as they once were, and probably yet are, in the British Parliament. Sir, suppose the island of Cuba should become an independent State, and should apply for admission into this Union, with all her slaves and foreign habits; are we bound to admit her? No one will pretend that we are. We should judge for ourselves whether it would be for our own good to receive her: and I, for one, should very much doubt it, under any treaty stipulations; for I hold the good old Republican doctrines relative to the treaty-making power. And yet, sir, we might admit her, because Congress may admit new States. Sir, I have not the slightest doubt on the subject of our discretionary powers.

The sparse population now in Missouri may not yet perceive the evils of slavery; and may, therefore, be willing to indulge in the dangerous gratifications which it affords, until it is too late. So it was in South Carolina and Georgia. Those States wished for more slaves. They insisted on the privilege (which, unhappily for themselves, and the whole nation, was conceded to them,) of importing that description of persons for twenty years after the adoption of the Federal Constitution. But, Mr. Chairman, what do they say now?

Do they not see their error? Nay, do they not feel it, and deplore it? And are we never to profit by woful experience? Are we to go on, wilfully, and perverse, blindfold, in this fatal career, until slavery shall be extended over three-fourths of the republics in this Confederacy? I hope not. I pray to God that we may have the virtue and the firmness to restrain its progress, before we are irretrievably lost in the dreadful abyss. Some of the learned gentlemen of the bar, who oppose this amendment, have exercised their ingenuity in subtle distinctions, and technical rules of deduction, borrowed from their profession. They were, no doubt, very applicable to the subject; and, as far as I understand them, I listened with pleasure—I hope with profit. They also borrowed some of their illustrations from my profession; and there, I think, I understood them better. But, Mr. Chairman, I could by no means assent to their correctness, when they came within my province. I trust they were more correct while on their own grounds. Gentlemen compared the evil of slavery to a malignant poison; and they called upon us to *dilute* it, by diffusion, in order to render it more tolerable. Sir, it is a malignant poison, or rather, I would say, it is a malignant disease in the body politic, whose deleterious ravages are extended with all the certainty and inveteracy of specific contagion. It is more loathsome than the small-pox itself; and its desolating influence ought, by all means, to be confined within the smallest possible limits. Would you diffuse contagion in a community, by way of relief? Would you disseminate small-pox, with a view to dilute its malignity, or to mitigate its effects? No, sir, that would be quackery without a parallel in the darkest ages of the profession. Sir, the immortal ordinance of 1787, respecting the territories northwest of the Ohio, was the grand Jennerian discovery in relation to the malady of slavery in our country; and I trust we shall continue to avail ourselves of the blessing. The Congress of 1787 introduced a sort of political vaccination into the constitutions of Ohio, Indiana, and Illinois, which effectually secured those States from the evil; and I am also for extending the same salutary process to our infant sister, Missouri. And why? Is it to injure her? Is it to mutilate or disfigure her? No, sir, it is to secure her health, and to preserve her beauty! Mr. Chairman, should you deem these observations to savor unduly of *the shop*, I must plead, in mitigation of your censure, the precedent set by the gentlemen of the *green satchel*. Much has been said, Mr. Chairman, on both sides, about religion, as connected with this question. I shall not adduce religious arguments in aid of my opinions, because I am well aware that the sacred name of religion has been too often improperly used for political purposes. I have, indeed, heard the benevolent principles of Christianity urged, with unanswerable force, in my estimation, against the further extension of this crying enormity; and yet I have also recently seen, with feelings which I shall not attempt to describe, the holy scriptures cited as authority in favor of the practice of holding mankind as slaves! But I am not disposed to mingle

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

politics with religion. I am for keeping Church and State separate, on all occasions. I cannot, however, help noticing a remark of the gentleman from South Carolina, (Mr. PINCKNEY.) I understood him to say, that slavery could not be inconsistent with religion, because the Deity permits a large portion of the human race to be held in bondage. I am sure the gentleman did not reflect on the extent to which such an argument would go, or he would not have advanced it. Sir, if that doctrine were correct, it would go to sanction every evil that is permitted to exist in society; and we should find little reason to smile, or be surprised, at the quaint determination of the liberty-loving fathers and founders of New England, who, we are told, resolved that they would be governed by the laws of God until they could enact others better suited to their condition. But, sir, I must beg leave to say, that the religion which sanctifies the unnecessary existence of slavery, is not the religion which we profess in Pennsylvania.

It has been said, Mr. Chairman, in opposition to this amendment, that all the citizens of the United States have a right to the territory west of the Mississippi, inasmuch as it was purchased with their money; that, therefore, Congress cannot prevent citizens from removing thither with their slaves and other property. But it is admitted that the people of Missouri may, themselves, exclude slavery. Now, if it be a right which belongs to a citizen of the United States, as such, to remove there with every description of property, how comes it that his slaves may be thus excluded? Can sixty thousand people, by forming a State government in one of your territories, abridge the rights of citizens of the United States? When the public lands are thrown into the market, can these Missourians exclude all purchasers who wish to come there with their slaves? It would seem that they can; and this, to my mind, conclusively shows that the right to carry slaves into the new States is not a right of an United States' citizen, as such. But again: it is generally conceded, that Congress may prohibit slavery in a territory; and yet, if holding and carrying slaves were one of the rights of a citizen as aforesaid, such prohibition would seem to be a more direct infringement of that right, because the territory is the common property of the people of the United States. My inference, therefore, is, that the right to carry slaves into a new State, or territory, is not a federal right. I consider the right, if it may be so called, of holding mankind as slaves, to be a local one, derived from those State institutions where slavery is already permitted.

Mr. Chairman, I cannot but view this ardent desire to introduce slavery into Missouri, as somewhat analogous to the mania for banking, which lately prevailed to such an unfortunate degree in some of the States. A number of speculators were so infatuated with the prospect of gain, by banking, that no argument could prevail with them to pause, or to calculate the dangers of the scheme. They persisted in the delusion until they had well nigh ruined the country, and entailed upon it a

vitiating currency, which can only be eradicated by a long period of suffering and privation. So will it be, but with consequences a thousand fold more aggravated, if slavery be permitted in Missouri. The people of that State, or their posterity, will find, when it is too late, that, by yielding to the seductions of a fallacious, temporary interest, there will be entailed upon them a perpetual curse—an evil without a remedy; and, what is more to the purpose of the present argument, an evil which will not merely affect themselves, but the whole Union. It will impair the strength and existing relations of the Union; and, therefore, Pennsylvania is deeply interested in preventing such an evil. Sir, Pennsylvania has a deep interest in the perpetuity of this Union. Her locality—her territory, stretching from the Delaware to the Ohio—and partaking partly of the character of an Atlantic, and partly that of a Western State; her habits, and her attachments, all afford a strong pledge of her devotion to the Union: and she cannot fail to be sensibly alive to every measure calculated to affect the bonds of our Confederacy. She regards the unnecessary extension of slavery in the new States as a measure of that description—as a most pernicious and dangerous measure. It is, in her estimation, subversive of the true principles of the Constitution; incompatible with the high character of our Government, and repugnant to every dictate of sound policy. Nor can these views be interpreted to the disparagement of Pennsylvania. Are they not consistent with the eternal and immutable laws of truth and justice? Do they not accord with the established character of Pennsylvania? What is her character? Gentlemen have taken occasion to eulogize their respective States, with great justice and eloquence, and I can see no reason why I may not attempt, in my humble style, to tell the simple, honest truth, of mine. Is she aspiring or ambitious? Does she assume more than becomes her as a member of this Union? The honorable Speaker has told you, and told you truly, that she is "unassuming." Is she not mild, and just, and humane, in her policy? Consult her institutions. Is she not Republican? Yes, sir, she presents to you, in her sons, a phalanx of Republicans, whose firmness and inflexible devotion to the true principles of liberty may challenge comparison with those of any of her sisters. Is she hostile to her sisters of the South? *Hostile, sir!* on the contrary, she entertains the warmest affection for them. She rejoices in their prosperity, and sympathizes with their adversity. When calamities overtake them, she feels and she acts as becomes her—as becomes a true and virtuous member of this political family. If proof were demanded, I need only refer you to her proceedings at this moment, in relation to a recent and dreadful calamity in the South, (the fire at Savannah.) Sir, they are worthy of her; and I take pleasure in adding, that, in the district from which I have the honor to come, every township in the respectable county where I reside has a committee now employed in procuring relief for the sufferers.

Mr. Chairman, I mention not these things vauntingly; I would disdain to do so. It would be

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

offensive to the generous spirits engaged in the laudable work. I notice them solely to show that Pennsylvania is any thing but hostile; that she possesses and cherishes the kindest feelings towards the South. Is she hostile to Southern politics? Let the unostentatious annals of her political career furnish the answer. No, sir; it has been her pride to act with the Republicans of the Southern States. Her sons have marched with them, shoulder to shoulder, in the various struggles for political rights and national honor; and, when some of her temporarily misguided sisters have been vexed at her undeviating course, they have peevishly exclaimed—"Pennsylvania is partial to Virginia—she is devoted to the interests of the South!" Sir, those idle reproaches moved her not. She regarded them as the ebullitions of vexation and disappointment. Her object was the establishment of those great political principles in the administration of our Government, which has made it the envy and the admiration of the world. In every national contest for principles or for safety, her aid has been unceasing, her support invariable; and, amid all the difficulties which the Government has found from foreign foes, or wayward domestic factions, she has been uniformly known as "faithful Pennsylvania."

Away, then, with every insinuation that Pennsylvania may or can be cajoled or influenced on this question, by the spirit which erst displayed itself at Hartford, or any other unhallowed spirit. Sir, any imputation of that sort, from any quarter whatever, is as groundless as it is illiberal; and she repels it with scorn. She acts from the noblest motive that can animate the human breast, and from a clear and thorough conviction that the adoption of the proposition before you is essential to the welfare, the honor, and the safety of the Republic. The unanimous voice of her legislative councils on this subject, attests her deep sense of its importance; and I trust her Representatives here will respond, with fidelity, to her wishes.

Mr. WHITMAN, of Massachusetts, followed, on the same side, and advocated the restriction, in a speech of nearly two hours. When he had finished, several other gentlemen rose; but Mr. SIMKINS succeeded in obtaining the floor; and, on his motion, the Committee rose, and the House adjourned.

THURSDAY, February 17.

The SPEAKER laid before the House a report of the Secretary of War on the petitions of the General Assembly of the State of Indiana, on behalf of Captain Bigger's company of Rangers, and of Daniel D. Norton; which was read, and ordered to lie on the table.

Mr. ANDERSON, from the Committee on the Public Lands, reported a bill to provide for paying to the State of Illinois three per cent. of the net proceeds arising from the sales of the public lands within the same; which was read twice, and committed to a Committee of the Whole to-morrow.

The amendment proposed by the Senate to bills from this House of the following titles, to wit:

"An act for the relief of Ether Shepley, administrator of Thomas Buckminster, late lieutenant in the 33d regiment of the United States Infantry;" and an "Act for the relief of William McDonald, deceased, late captain in the Army of the United States," were read, and severally concurred in by the House.

THE MISSOURI BILL.

The House then again proceeded, in Committee of the Whole, to the consideration of this bill, and the amendment proposed thereto by Mr. TAYLOR.

Mr. SIMKINS, of South Carolina, resumed the debate, and spoke more than an hour against the restriction.

Mr. DENNISON, of Pennsylvania, took the other side, and spoke some time in support of the restriction.

Mr. TYLER, of Virginia, addressed the Chair as follows:

Mr. T. said that he regretted that the state of his health had been such as, heretofore, to have prevented him from taking part in this debate; that, although he had not entirely recovered from that indisposition, yet, that he felt himself called on by a sense of duty to express his sentiments on this important question; important, not only as to the actors of this day; important, not only as to the present point of time, but vitally so, as to the permanency of our political institutions, and, of consequence, important to the interests of ages yet unborn. The day has not long passed, said he, in which this country was divided between two great parties; the struggle then was for office. That state of things might be considered as natural to a Republic. But party spirit has almost entirely disappeared. When at its greatest height what did it amount to? It gave to you some uneasiness, it is true, in the time of your travail and difficulty, but, under its influence, the country prospered, and our most anxious wishes were consummated. But behold now our situation! You have no longer the man of the North against the man of the North, but State against State—the North and East against the South and West—one moiety of this country arrayed against the other. Sir, the republican of the North has now turned his back on the republican of the South. I call on him to pause; I require of him to remember the days which we have seen together. In times of great peril we have been united; difficulties have vanished before us; and, by our united policy, the high destinies of our common country have been advanced. Say that you triumph on this occasion. Over whom do you triumph? I will tell you: over those who have heretofore been your friends; over those who waded with you through the perils and difficulties of your Revolutionary struggle; over men whose destinies have been united with yours since the dark period of 1798 and 1799; whom, since that period, you have met here as firm and steadfast friends. Poor is the triumph—unworthy the trophy!

Sir, said he, we have heard much of excitement, of irritation. How has it arisen, and who has produced it? Let it be set down in the tablets of

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

your memory that it is the work of the North, and not of the South. A bill is reported in the usual form for the admission of a Territory as an independent State into this Union; and the unusual and extraordinary proposition is made to abridge it in the exercise of an essential right. We have a right to demand the reason of this innovation. Other States have been admitted without this restriction. Why is it that you now assume to yourselves the exercise of this power? Are the people of Missouri less capable of adopting measures calculated to advance their happiness than the people of the other States? Who are they? They are identified with ourselves; they are emigrants from all the States. They have carried with them the very principles which we possess; their stock of intelligence is as great, in proportion to their numbers, as is to be found elsewhere. Be sure, then, that you have the right, and that it is good policy to adopt this limitation on the powers of that people. If you doubt as to either the right or the policy, remember that, as to the first, you cannot satisfy your consciences by the exercise of doubtful power; and that, as to the last, to doubt should induce you to abstain from acting. All experience proves that they who act in obedience to the dictates of a doubtful policy may, by possibility, be right, but that they are much more often wrong than right.

Gentlemen have attempted to show the Constitutional right to impose this condition, and in what manner? They have hunted through every section of the Constitution; one fixes on one clause, another on another, and, by a course of ingenuity almost intangible, have attempted to extract this grand desideratum of powers. For one, on such an occasion, I not only require that you shall reason ingeniously, but that you shall render your power clear and manifest. Tell me not of implied and doubtful powers; against them I weigh the very nature of our Government, and the spirit of our institutions. They are founded on the great principle that man is capable of self-government; that he requires no foreign aid in regulating his domestic concerns. Our Revolution was founded on this principle; England denied to us the right to legislate, except by her special authority; nay, she proclaimed the very principle which you now proclaim as applicable to Missouri—the right to bind you by her own system of legislation. To this the American spirit did not bow. It went forth to the battle, in the majesty of its strength, and achieved the victory of our independence. But, sir, the principle which we are called on to adopt, goes, by a sightless distance, farther than England ever dared to go. Her acts of legislation were fleeting and ephemeral; liable at all times to repeal; but we are to legislate, not only for the present day, but for all ages to come. This restriction, if adopted, is unalterable and interminable in its duration. No succeeding generation have any power over it. It constitutes the very essence of the political existence of Missouri. It is the condition precedent, and must, through all future time, attach to the estate. Gentlemen have exultingly read to us the Declaration of Independ-

ence. From it they have gathered that which, as an abstract truth, I am not disposed to deny: "that all men are, by nature, equally free, sovereign, and independent." Can this proposition admit of application to a state of society? Does not its fallacy meet you in every walk of life? Distinctions will exist. Virtue and vice, wealth and poverty, industry and idleness, constitute so many barriers, which human power cannot break down, and which will ever prevent us from carrying into operation, *in extenso*, this great principle. Take this principle and preach it up to the monarchs of the world; will they descend from their lofty eminences, or raise mankind to a level with themselves? No, sir, the principle, although lovely and beautiful, cannot obliterate those distinctions in society which society itself engenders and gives birth to. Liberty and equality are captivating sounds; but they often captivate to destroy. England had her Jack Cades and levellers. Look, I pray you, to revolutionary France. These were the principles of that day. Mark the consequences! Murder and rapine stalked over the land, and the guillotine, the work, too, of a philanthropist of that day, was the sad monument of this fallacy. Liberty and equality was proclaimed by Robespierre and his associates, at the very moment that they were enriching the fields of France with the blood of her citizens. Nor was the doctrine confined to political institutions, but, advancing with a daring step, fought even with the Creator, and mocked at the immutable truth of religion.

Turn your eyes also to South America. The throne of the Incas was washed from under them by the tide which flowed in from Spain. The native of the forest was deprived of his freedom, and made to toil for his new master. Then, too, sprung up a philanthropist, who claimed for the Indian an equal rank in creation with the inhabitants of Spain. His claim was admitted, and Africa mourned over the mistake, and her deepest curses may still be uttered against the memory of Las Casas. But, Mr. Chairman, although I do not believe that this principle of equality can be applied to man *in extenso*, yet I love it, and admire it as an abstract truth, and will carry it into operation whensoever I can; and, sir, I call on gentlemen to lend me their aid in the present instance. If we cannot raise the black man up to the level with the white—and that we have not the constitutional power to do so none here have denied—let us raise, at least, the white man up to this level. Extend an equality of rights to the people of Missouri. Place them upon a footing with the people of New York, Connecticut, and of the other States. What are the rights of the people of Connecticut and the other States? They have the right to alter, to amend, to abolish their constitutions. Connecticut has lately done so. Will you deny to the people of Missouri this right? You say to the people of New York, alter your constitution as you see fit in all its parts. Will you say in the same breath to the people of Missouri, you shall not exercise this right in regard to your constitution? Is this your boasted equality? If it be, sir, "I will have none of it." It is base coin, and will

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

not pass current. This is said, too, to be a parental care for Missouri. I am pleased with plain and simple illustrations: would a father act in the way in which you propose to act? His child has attained the age of twenty-one; by the laws of society that child is entitled to an equality of rights with himself; and what would you think of the parent who should say to the child, "Sir, you are now a man, but you shall not exercise the rights of a man, *except upon conditions?*" Would the child submit? Would a kind parent hold such language? No, he would resort to advice; would adopt the course which is recommended by the gentleman from Connecticut, (Mr. Foor,) in a resolution which he has presented. If he pursued any other, he would be pronounced arbitrary and cruel. Let us avoid such an imputation. Missouri is now full grown; this, your offspring, has attained full age; attempt no longer to trammel her; let her set up for herself, and, although you may advise her, do not attempt to force her. Sir, she will not, and ought not, submit to force; she would disgrace her parent stock if she did so. The proud Roman spirit which inhabits every portion of this country, spurns control. Would you humble this spirit if you could? If you would, you cannot do it; but if you could, your country would have no cause to thank you for so doing.

The gentleman from Pennsylvania, (Mr. SERGEANT,) who addressed us some days since, has attempted a distinction between the old and new States; and, in the first place, he tells us that the old States are creators of the Constitution, and that the new States are its creatures. Where would this argument stop? Would it not apply with equal force to the last and present generation, as to the old and new States? And yet the gentleman would scarcely contend that one generation of men were possessed rightfully of more political power than another. Are not our rights the same as those of our predecessors, although they originated the very Constitution under which they are now assembled? But, sir, this Constitution is the creature also of the new States. They support it by their influence: they, equally with the old States, have the power to amend, to alter, to abolish it. The creature, then, is armed with power over the creator. The answer to the argument proves its fallacy. Government, whenever it may have originated, by whomsoever created, receives from each succeeding generation of men a new being; not by an open and express act, but by implication. If it remains unaltered, it is owing to the implied assent which is given to it by the community on whom it operates. So, sir, this Constitution is but the creature of the new States as well as the old, liable to their amendments, and continued only as the creature of the common will. But the same gentleman tells us that we have an interest in the soil of the new States which we have not in the old. That we have more soil in the new States than the old, is certainly true. But the powers of this Government over its dock-yards, arsenals, depots, &c. in the old States, are equally great, if not much greater, than its powers over its undisposed-of territory in the new States. Nay,

by the Constitution itself, your power is absolute over the property in the old States, whereas it is but limited in regard to that in the new. In regard to the last, you are limited to "needful rules," to enable you to sell or dispose of it; in regard to the other, you are almost unlimited in your power. There is nothing, then, in these distinctions; they are but imaginary. All the States are equal in political rights. The member who shall come from Missouri will be invested with equal rights with a member coming from New York.

The honorable member from Pennsylvania has imagined, that he has found the right to impose this condition on Missouri in the supposed right to make a compact with a State, or with the people of a territory. I will not stop to inquire into the full extent of this right. For the sake of the argument let it be admitted that this right does not exist in Congress; yet what does it prove? In my opinion, nothing. What will the gentleman do with the treaty of 1803? By that treaty we have stipulated, that "inhabitants of the ceded territory shall be admitted into the Union as soon as possible." The right to admission then, on the part of Missouri, is perfect, is absolute. Can you, in any manner, destroy this perfect right? Can you, by the right which you have to enter into a compact, destroy a perfect right, on the part of Missouri, to admission? No, sir. She has a right to admittance; you cannot gainsay it, nor can you destroy it. Let her come into the Union, and then we will inquire whether you can enter into a contract for political power. She will then be a free agent, no longer in duress. The compact which you then make may be obligatory on her. Sir, I cannot withhold the expression of some astonishment at a remark made by the honorable gentleman. He told us that, sooner than admit Missouri, without restriction, he would narrow her boundaries; nay, that he would cut her in twain; that he would divide her into two small States; but that, if she accepted this condition, he had no objection to her present boundaries. What language is this to hold to Missouri? Excitement enough already prevails among her inhabitants, and this declaration, instead of appeasing, is calculated to swell it to a flood. You have given her every assurance that she should be admitted with her present limits. Last year you carved out from her the Territory of Arkansas; you marked out her limits; you held out to her every reason to believe that she should come in as one and indivisible; and now what language is held by the gentleman from Pennsylvania? These fond hopes are to become illusory. These anticipations were calculated but to deceive. Your right arm shall be lopped off from your body—your family compact be broken up, unless you yield to a dictatorial policy, and throw yourself at the foot of Congress, bound and fettered. Does this comport with magnanimous policy? Believe me, it does not. No, sir, let us resort to different means. Extend the great engine of redress. This will secure to you the affections of the people—that engine that tyrants know nothing of—that a parental government only applies. Use it, and the storm will be ap-

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

peased; all will again be harmony and peace. The same gentleman has told us of the obligations under which his State labors. We have had read to us her act of emancipation. She has caused to be proud of that act. It has raised to her a monument of imperishable glory. But, suppose Pennsylvania in the attitude of Missouri—reverse the picture: Pennsylvania is asking admittance into the Union; and suppose she should be told, “the slaveholding States have now the majority, and you cannot be admitted as a member of this Confederacy, unless you will repeal this your act, and permit involuntary servitude.” What would be her course? Would she not spurn us and our propositions? Nay, would she not dash them in our teeth? What more she would do, it is not for me to say. She would demand for herself the right to decide for herself. But now that she cannot be controlled, will she overleap the principles, which, under other circumstances, would actuate her? Not satisfied with legislating for herself, shall she venture to legislate for others? I still hope not. I do still hope that we shall do equal justice, and obey that great rule of morality, and “do to others as we would that others should do unto us.” And can there be a more conclusive argument against the right to exercise this power than the case which I have supposed? This Constitution was not made for a day; nor is it composed of such flexible materials as to be warped to the purposes of a casually ascendant influence. Under the arguments of gentlemen, this, however, is not its character. If the slaveholding States have the majority here, they may annex conditions on new States the reverse of that now attempted, and such conditions would be abrogated by a majority of a different description. In this contest for power, countenanced, as has been urged, by the Constitution, what becomes of the rights of the inhabitants of the territories? I take on me to rescue the framers of the Constitution from such gross inconsistencies. They proclaimed the doctrine, that man had a right to establish such government as best suited his own ideas of happiness; and they would have overthrown that very proposition, if they had armed Congress with the power of making constitutions for the new communities, which, they obviously perceived, would spring up within our territorial limits.

The gentleman from Pennsylvania (Mr. SERGEANT) has inquired, Is the right to hold persons in bondage essential to sovereignty? I answer this question by asking others. Is the trial by jury essential to sovereignty? Is the habeas corpus, are Parliament and Congress, essentially necessary to constitute a State sovereign? No one doubts the sovereignty of Russia, or of the Ottoman Porte; and yet, no trial by jury, no habeas corpus act, no Parliaments or Congresses, are known to these empires. A State can be sovereign, and yet all the power be lodged in the hands of a single despot. In what, then, does sovereignty consist? In nothing but the right to decide whether there shall or shall not exist this or that municipal regulation. Deny to an empire the volition of deciding for itself any question of local policy, and you neces-

sarily, so far as the prohibition extends, deprive it of its sovereignty. The State must be left complete volition, or otherwise it is a misuse, not to say abuse, of terms, to call it sovereign. So, sir, if this restriction prevail, you may call Missouri what else you please, but she is not sovereign. If she accepts this condition, she may be the menial of the other States, but she is neither equal to them, nor, like them, sovereign. Sir, the same gentleman has urged that the principles of our Government are opposed to slavery. And one reason which has led him to the adoption of this opinion is, that the word “slave” is nowhere used in the Constitution. This is a broad proposition, and, if true, none of us in the Union have any security for any article of our property. Is any other sort of property mentioned, *in totidem verbis*, in the instrument? And, if this argument of the gentleman be possessed of any force, where shall we look for security? Sir, although it would be rather unreasonable to suppose that a constitution should guaranty articles of property by name to those who lived under it, yet, so far as was deemed necessary, our slaves are guarantied to us in that clause which requires persons, held to service in one State and escaping into another, to be delivered up to the master. When, then, gentlemen from the North proclaim their doctrine, let them not forget themselves. Rail at slavery as much as you please; I point you to the Constitution, and say to you, that you have not only acknowledged our right to this species of property, but that you have gone much further, and have bound yourselves to rivet the chains of the slave. You not only have consented to tolerate it, but more—when the victim has fled to you for protection and countenance, you have agreed to deliver him over to his bondage. Those who framed this Constitution were sound practical men. They were not led away by idle theories. They knew how to estimate the slaveholding States. We had just then emerged from an arduous struggle for freedom, in which, without union among the whole, no part could have succeeded. Each made sacrifices to the good of the whole, and we have experienced the happy result of such sacrifices. But, can it be credited that the slaveholding States ever would have become parties to this compact, if they had not supposed themselves secured in this species of property? Thus to pronounce, would be to overlook that great and almost exclusive motive to human action, self-interest.

Gentlemen, abandoning the grounds taken by them in the opening of this debate, rely wholly on the article in the Constitution which devolves on Congress the right to admit new States. On this point I shall not dwell. I only require of them to read the whole clause, and they will find that the admission must be into “this Union.” You have already been told, by the member from Kentucky, (Mr. CLAY,) that “this Union” is made up of equal contributions of power by all the States; and the inference would, therefore, seem irresistible, that no more than a similar contribution of power could be required of States who have been, or may hereafter be, admitted. Grant me your

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

patience, sir, while I add one other consideration, which, to my mind, is conclusive. You have but one mode of acquiring power constitutionally, and that is, by amendments adopted by three-fourths of the States. Now, if you can impose conditions on new States, this remark is no longer true. Take the very case before you: Missouri accepts your condition, and, at a future day, thinks proper to repeal this clause in her constitution inhibiting the introduction of slaves; a man from Louisiana moves into that State with his slaves, and, immediately on getting there, the slaves apply for a writ of habeas corpus. In the States now existing, such a controversy, as well as all controversies arising between citizens of the State, are tried before the tribunals of the State. Not so in Missouri. The arm of your judiciary would be extended between the master and slave. You have, then, added to the powers of one great department of your Government, not in the Constitutional mode, but by your compact with Missouri. Can you do so? If there be any land-marks to guide us, or boundaries to our power, you cannot. The gentleman from Massachusetts, (Mr. WHITMAN,) who, with great liberality, and much candor, addressed us on yesterday, asks whether we shall be presumed to be held to admit a new State without knowing aught of its internal police? To this I unhesitatingly answer in the negative. Our right is absolute to admit or refuse; but we may exercise this right at any time. In this case we have exercised it under the treaty of cession; nor did we do so heedlessly. Missouri was at that day a wilderness; and when we agreed that the whole of the country ceded by France should be admitted into the Union, "as soon as possible," we foresaw, what has actually occurred, that this territory would be settled by citizens of the United States. We then encountered no danger, nor should we now, by carrying into effect the stipulations of the treaty. But he contends that the treaty is not binding on us so as to compel us to admit a new State; that, if it be so, the President and Senate might, by treaty, compel us to admit St. Domingo, or any other Power, as a confederate in this Union. This argument only proves the control which this House has over the treaty-making power, and I readily concede that we are not bound by any treaty to which we have not assented. But to the treaty of 1803 we have assented in a variety of ways. This House voted money to carry it into effect; authorized the President to take possession of the country; opened land offices; established territorial governments; and, if acts can be interpreted to mean any thing, ratified and confirmed the treaty. It is too late, therefore, for gentlemen to urge such considerations. We have exercised our volition; our faith is pledged. If the faith of an individual was thus pledged, and he did not redeem his pledges—but, sir, I will say no more—the inference must be obvious to all.

We are threatened, too, with the curses of Missouri, if we do not impose this restriction. For one, I never was disposed to heap curses on the head of another, because, left a free agent, I might

have involved myself in evil. Missouri has to decide for herself. The evils, if any arise, will be the offspring of her own act, and she cannot blame us. Sir, we have heard much of the evils of slavery: its evils have been exhibited in the most glowing colors. With due deference to gentlemen, I think their remarks on this subject would answer a better purpose if addressed to Missouri, assembled in convention, than addressed to us. The people of this Territory have "the bane and antidote" both before them. Let gentlemen deliver their speeches against slavery there; let them there send their pamphlets. If they have on the minds of the people to whom they should be properly addressed their desired effect, we shall submit. Yes, sir, if Missouri, in the exercise of her high attribute of sovereignty, shall speak the language of emancipation to those who are in bondage within her borders, we shall be satisfied. It is the principle alone for which we contend, and for it we shall persist in contending, "to the last syllable of recorded time." Nor can I yield to the gentleman from Massachusetts, (Mr. WHITMAN,) that those who support this restriction are the only friends to Missouri. I think (if I may be allowed so to express myself) that gentlemen have a bad way of showing their friendship. You may take up a man who is walking the streets, going in pursuit of his ordinary business, and throw him into irons, for fear lest he should fall into a gulf in the course of his walk, and then proclaim yourself his friend! He would have a right to answer as Missouri will on this occasion. He will tell you, "I am well aware of what I am about; I see the whole ground as well as yourself; and it would be as reasonable for me to throw you into chains, to prevent you from doing yourself an injury, as that you should arrogate this power over me." I shall add no more to the inquiry growing out of the constitutionality of this measure. Enough has already been said, and I will not consume your time unnecessarily. My mind is irresistibly drawn to the conclusion that, if we adopt this amendment, we shall be guilty of an unwarranted and most manifest usurpation of power.

But, even if we were invested with the Constitutional power to impose this restriction, yet to do so would be unjust and impolitic. This Territory has been purchased out of the common purse: the South and the North have contributed alike. We are then joint tenants in the estate, and, without doing an act of gross injustice, you cannot oust us of our right to an equal participation with yourselves in all its benefits. But the injustice of the measure is still more manifest in reference to individuals from the South who have made purchases of land with a view of settlement. You opened this country to bidders from all the States. The planter from the South entered the market; and now, when he is in the very act of moving on the estate thus acquired, Congress announces its determination to prevent his completing the very object of his purchase, by preventing him from carrying with him his laborers! Is this just? Will you not have "paltered with him in a double sense?" Nay, he derived assurances from the

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

treaty; and not only so, but from the fact of Louisiana having been admitted unrestricted, that he should experience no interruption in executing his purpose. Such a course does not comport with propriety and justice. Gentlemen should have issued their proclamation before the Territory was settled—a course however which, even in regard to an unsettled territory, I should deny to be Constitutional—and distinctly announced their views and intentions, and then men would have acted with their eyes open. This usurpation then would at least have been attended with the semblance of justice; but now, when you have invited purchasers, to draw a line of distinction between them, cannot be any other than unjust and, I was about to add, grossly unjust. I might rest satisfied here, and avoid any further remarks on the policy of this measure; for, if it comport not with the principles of justice, an American Legislature surely will not entertain it. But its impolicy is rendered manifest by many other considerations. We come here to legislate for the Union. One moiety of the Union is deeply interested in opposing this restriction. Slavery has been represented on all hands as a dark cloud, and the candor of the gentleman from Massachusetts (Mr. WHITMAN) drove him to the admission that it would be well to disperse this cloud. In this sentiment, I entirely concur with him. How can you otherwise disarm it? Will you suffer it to increase in its darkness over a particular portion of this land until its horrors shall burst upon it? Will you permit the lightnings of its wrath to break upon the South, when, by the interposition of a wise system of legislation, you may reduce it to a summer's cloud? How is the North interested in pursuing such a course? The man of the North is far removed from its influence: he may smile, and experience no disquietude. But, exclude this property from Missouri, by the exercise of an arbitrary power; shut it out from the Territories; and I maintain that you do not consult the interests of this Union.

The gentleman from Massachusetts also conceded that for which we contend—that, by diffusing this population extensively, you increase the prospects of emancipation. What enabled New York, Pennsylvania, and other States, to adopt the language of universal emancipation. Rely on it, nothing but the paucity of the numbers of their slaves. That which it would have been criminal in those States not to have done, would be an act of political suicide in Georgia or South Carolina to do. By this dispersion you also ameliorate the condition of the black man; for I appeal to gentlemen who come from the South to say, whether the bettering of the condition of the slave has not been owing to the increased demand for his labor? This increased demand has made it the interest of the master, independent of other considerations, to be more tender in his treatment to his dependants. These considerations and concessions on the part of the gentleman from Massachusetts, had led me to hope that his conclusions also would have corresponded with my own; but unfortunately he saw, or fancied he saw, humanity urging him to the extinguishment of the African slave trade.

Some slaves have certainly been smuggled into the State of Georgia, and possibly into Louisiana, in opposition to our laws. The number has not been accurately ascertained. The Speaker placed us in possession of information which limits the number to something upwards of four hundred in the last ten years. This estimate may be too small. Be that as it may, the feelings and sentiments of all honorable men must be opposed to that horrid traffic. We, sir, will go to almost any extremity to put an end to it. But, what did the gentleman concede? He told us that he limited his views, as a politician, to the period of one hundred years, and that the demand for slaves in the country in which slavery now existed, would not fully be satisfied for that period. Even then, if this restriction on Missouri prevailed, and you do not abolish this trade by a bold legislation, it will measureably continue for one hundred years. But the gentleman contends that, by opening Missouri, you open a new market, and thereby increase the price of this property, and that additional temptations to smuggling will be the necessary consequence. Now let it be remembered, that smuggling can only take place on the seaboard, and that Missouri is an inland State. - In addition to this, cast your eye on the map, and you will find that Missouri is in the same, or nearly the same, latitude with Virginia; a small portion of it, if any, is a cotton country. The products of its soil are the same with those in Virginia. Now, sir, no instance falls within my recollection of slaves being brought from abroad into Virginia—and why? For the obvious reason, if for none other, that a better market is opened for them in the cotton country. That rich staple of the most Southern State has, for many years, as was well observed by the Speaker, regulated the price of slaves. There has been a constant drain from Virginia; no demand exists for them there, of any great consequence. Our corn sells for little or nothing; our flour commands no price; and our tobacco, which, like cotton now, formerly regulated the price of labor, rots in our warehouses. Open Missouri then, and you do not, by so doing, enhance the price of the slave. The great body of those who go to that State will be farmers of the South, who will carry with them their white and black families, with a view of permanent settlement. I still entertain the hope then, Mr. Chairman, that the gentleman from Massachusetts will be convinced that he was mistaken in the view which he was induced to take of this subject. A moment's reflection will also convince us that we do not, by extending this population, add to their numbers by any ordinary means. The great rule which controls the progress of the multiplication of the human species, and accelerates it, will equally apply for the next century, if no longer, whether Missouri throw open her gates or not. The means of subsistence are abundant in the present slaveholding country, and will continue to increase with an increase of population. You subserve then the purposes of humanity by voting down this amendment to the bill on your table—you advance the interest, and secure the safety of

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

one-half of this extended Republic; you ameliorate the condition of the slave, and you add much to the prospects of emancipation and the total extinction of slavery.

What will be the consequences, if you persist in this measure? A sectional feeling is already generated; a geographic line is drawn. Tell me not of that policy which shall divide the people of this country by local feelings and prejudices. This is the bane of a Republic—it is the rock which ought to be most cautiously avoided—sir, it is the greatest of all dangers to the union of these States. Take not my poor word for it. Nay, disregard the admonitions of him who has so often been called the Father of his Country. Forget the valedictory address of WASHINGTON. But can you, or will you, close your eyes to the lights of experience? Remember ancient Rome: she conquered mighty Powers; the world obeyed her nod; but she, in the end, conquered herself. The people divided among themselves, and these divisions led to the erection of the Throne of the Cæsars over her prostrate liberty. So, too, with the Grecian republics: united Greece stood up successfully against the mighty power of Xerxes; and the fall of Leonidas was but the precursor of the glory achieved at Marathon and Plataea. But Sparta wished to domineer over Athens, and their intestine feuds opened the channel to that flood of vandalism which deluged Greece, and obliterated all trace of freedom. Such, too, was the fate of the Achaian league. I beseech gentlemen then to pause, lest they produce a similar division of sentiment in this happy land. What else can retard our onward march? What were you fifty years ago? By Europe we were esteemed as little better than savages; nay, dozing philosophers had ventured to pronounce that all animated nature here wore a degenerate aspect. But history has refuted and thrown back this slander in the teeth of those who uttered it. We emerged with great brightness from the struggles of the Revolution. Our prosperity continued to advance. We have emerged from a second conflict, with additional radiance. We bearded the Hercules of the other hemisphere, and we lost naught by the conflict. Our proud banners floated in triumph over the waves. What now is our condition? Kings and potentates court our amity. We are lifted up to a high station among the nations of the earth. Say that our march is not impeded, who can set limits to our glory? Tyre rose a little speck above the ocean, and she was considered strong and mighty. England, with an area scarcely exceeding that of some of these States, controls the destinies of Europe. And what shall be their glory, in comparison with ours? We direct the destinies of a mighty continent. Our resources are unlimited: our means unbounded. If we be true to ourselves, the glory of other nations, in comparison with ours, shall resemble but a tale from the days of chivalry. Our mighty and refulgent sun shall almost obscure, by its radiance, the little stars of their renown. Let us, then, avoid a question like the present: disappoint not these fond hopes. Gentlemen on the opposite side may yield without dishonor. They pursue but a scheme of

policy; we are differently situated; we cannot, without violation of our oaths, support this measure. We believe, in our consciences, that the Constitution confers on us no such power. For myself, I cannot, and will not, yield one inch of ground. Let me, then, adjure our brethren from the North to come and sit down once more by our side. I call on them to heal the differences which this measure has produced. Your course is palatable and plain. You have two roads before you; take this, and all is harmony and peace; over that, hang doubts and fears. I invoke the Genius of the Constitution to cover and protect us against the evils which threaten us. What if you impose the restriction, and Missouri, instead of submitting, shall form herself into a community and demand admittance, or sever from the Union? Will you then retract? How much more honorable to do it now! Or, do you mean to persist in your object at all hazards, and, if she prove refractory, reduce her to submission? Do you believe that Southern bayonets will ever be plunged in Southern hearts? I know not how this may be, but I require you to pause and deeply to reflect before you have to resort to this extremity.

But, Mr. Chairman, if no admonition will succeed, then pursue your own course. Gentlemen may return to their constituents, receive votes of thanks, have their speeches translated into foreign languages, to be dozed over and admired by those who know nothing of the principles of our Government. But if evil flows from this measure, history will be true to herself, and will record, "That the United States were most fortunate and most contented; that no speck was seen on the horizon, threatening danger; that, while marching steadily on to the fulfilment of her high destinies, a proposition was made from the North, to abridge the rights of the South, in violation of the Constitution; that a storm suddenly arose, and in its fury blasted the hopes of the patriot, and overthrew the altar and the temple." And, sir, it is not necessary to add, that, instead of the blessings, the deepest curses of posterity will be uttered against the supporters of this destructive policy.

Mr. Rich, of Vermont, rose and addressed the Chair as follows:

Mr. Chairman: Whilst I consider the present question of greater interest by far than any which has been agitated since the adoption of the Constitution, or any other on which I can expect it will ever become my duty to give a vote; and, while I reflect on some circumstances in relation to it, which to me are not a little extraordinary, I feel it to be due, both to the Committee and myself, that I should occupy a small portion of your time in explaining my views upon the subject, and my reasons for the vote I am about to give. The fact that, at the last session, every member south of the State of Delaware, and of the river Ohio, gave their votes in favor of an unlimited extension of slavery, while those to the north of those limits gave almost as unanimous a vote against it, has caused me to entertain fears that, either from motives of interest or some peculiar feelings, we had, on the one hand or the other, lost sight of the great

principles on which a wise and just legislation is founded.

The circumstance, too, that a large portion of those now opposed to me are the same gentlemen with whom I have acted in times the most difficult and perplexing; whose opinions I have highly approved, and with whose votes my own have been usually recorded; has induced me to give the most attentive consideration to the subject, in all the forms in which it has been presented to my mind, lest it should happen that feelings, perhaps peculiar to myself, might have betrayed my judgment into an error. I have paused—I have considered, and made up my mind upon the most mature deliberation. It is not my intention, sir, to attempt to follow gentlemen who have gone before me, on the opposite side of the question; and, except so far as may be necessary to connect my views upon the subject, I shall endeavor to avoid a repetition of the arguments employed by others on the side I have the honor to advocate. It will be my purpose to attempt to show that slavery does not proceed from the exercise of a legitimate attribute of sovereignty, and that hence, admitting all for which gentlemen contend, as to a want of power in Congress to interfere with "State rights," their Constitutional objections must fail them. If, in this part of my argument I shall be successful, I trust there are few who will object to the expediency of the proposition.

Sir, it is impossible for me to consider slavery, in any of its relations or consequences, in any other light than hostility to the first principles of our Government, and certainly so with its first official act—the Declaration of Independence—which has announced, as a self-evident proposition, "that all men are created equal, that they are endowed by their Creator with certain inalienable rights, amongst which is life, liberty, and the pursuit of happiness: that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed." And, among the reasons assigned by the framers of the Constitution for adopting that instrument, and which will accompany it to the latest period of time, was that of "securing to themselves and their posterity the blessings of liberty." And, sir, will it be pretended, in this enlightened age, and in this country, where alone freedom has her abode, that the blessings of liberty are to be derived from the existence of slavery, or that they have any relation to each other, except what results from absolute, unavoidable necessity?

It is true that, at the time the Declaration of Independence was adopted, as well as the Constitution, and from circumstances over which our fathers had no control, slavery, unfortunately, existed in our country; and the fact of its existence, though repugnant to the noble feelings which alone gave birth to, and with the aid of Providence sustained the Revolution, and which matured and brought forth the Constitution of our country, is believed to have produced a necessity for its continued existence. But I ask gentlemen by what charter of a national character, a right to hold a human being in slavery has ever been recognised?

The fact that the word "slave" is nowhere to be found in the Constitution, or other words so employed as to convey an idea that the framers of that instrument intended to recognise slavery, has satisfied my mind that, as from a condition of things beyond their control, or that of their country, they could not prohibit it in the then "existing States," and as, for obvious reasons, they were obliged indirectly to admit the fact of its existence, they purposely, and very carefully, avoided the use of any expressions from which, by fair construction, even an argument could be derived in favor of its legitimacy. Consequently, the legality of it must be determined by a reference to the laws of nature and natural rights, and not to the Constitution; and to me it is a matter of utter astonishment, that, because the original States were recognised with their existing institutions, some of which had been under an absolute necessity to permit slavery, it should from thence be contended that, on admitting a new State, we have no power to exclude slavery from it, on the ground of its having been recognised as an attribute of sovereignty over which we have no control.

Each State had its particular institutions and laws—no two of which were alike; and can it, I demand, be pretended that we are fatally bound, regardless of all consequences, to permit in every new State whatever may, under any circumstances, have been deemed lawful in any one of the original States? If such be the case, gentlemen will search in vain for authority to require from the people of a proposed new State that they should even present us with a Constitution; for, at least one of the original States had no such instrument.

It has not escaped me, that certain powers have been "delegated to Congress," and that such as "are not delegated or prohibited to the States, are reserved to the States, respectively, or to the people." But it should be remembered that, whatever powers may have been prohibited or reserved, they are such as belong to the legitimate attributes of sovereignty; and in order to ascertain them, as claimed and admitted by this nation, we should do well to refer to our original charter, on which all our other institutions are based—the Declaration of Independence. In that instrument individual rights, and the objects and duties of Government, are clearly defined. It was adopted in the most formal manner by the National Representatives, and to my understanding has, to all intents and purposes, been adopted by the people themselves. It has been incorporated in all their statute books; annually read at their national festivals; and universally referred to as the proudest memorial of their national glory; and will continue to be thus referred to, while science has an advocate, or liberty a friend. I would look, then, to that charter, to ascertain the rights of the people, and the duties of Government; and to the Constitution, to learn how the attributes of sovereignty have been distributed to the General and State governments, and the manner in which the duties of each, and those of the people, are to be performed.

The solemnity with which it was adopted, and the parties to it, should never be lost sight of. In

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

that instrument the rights of the people, which were acknowledged to have been derived from their Creator, and to be equal and inalienable, were distinctly set forth; the abuses of the parent country, to whom allegiance was acknowledged to be due, but for the abuses, and the means employed to obtain redress were enumerated; the necessity for a separation was announced; and, "appealing to the Supreme Judge of the World for the rectitude of their intentions," the separation, and the consequent right of self-government, were proclaimed to a "candid world;" and "for the support of this declaration, with a firm reliance on Divine Providence, the lives, the fortunes, and the sacred honor of the nation" were mutually pledged. And who, I ask, will deny that the event was recognised by the Judge to whom the appeal was made, and that his protection was not relied upon in vain, and that, finally, he condescended to become a party to that great *national covenant*? And, sir, after having been protected from our infancy, until we have become a great and powerful nation, does it become us to disregard our own stipulations; and have we a right to expect that the favor of the Being to whom, in our infancy, the solemn appeal was made, will be longer continued to us, when we shall have falsified the declaration by a national act, deliberately pronouncing that all men are not "created equal," and that, as a matter of convenience, one may rightfully hold another, and his posterity, in perpetual bondage? I think not; but that, on the contrary, it will be said of us, as of the people of old, "I have nourished and brought up children, and they have rebelled against me;" "they have spoken words, swearing falsely in making a covenant; thus judgment springeth up, as hemlock in the furrows of the field."

The attributes of sovereignty, individual rights, and the duties of Government, have neither been enlarged, diminished, nor changed by the adoption of the Constitution. By that instrument nothing more has been done or attempted than to adjust and settle the relative rights and duties between the General and State governments, and the people; and I again repeat, that, in order to ascertain the amount of the attributes of sovereignty, individual rights, and the duties of governments, we must refer to the covenant we have made with the Judge of the Universe. And I moreover contend, that a *right* to hold a fellow-being in slavery, under any form of Government, does not exist. I speak, sir, of *natural right*; for, if it exist anywhere, there is no country or place where it does not exist; and, instead of its being a violation of our rights for the States of Barbary, and the commanders of British ships, to enslave our citizens, the former, because they are christians, and the latter, because they are of a certain profession, we have been guilty of a gross violation of their rights in making war upon them for the alleged offence; and, instead of the Declaration of Independence being an instrument honorable to our fathers, and deserving the place we have given to it upon the records of our country, it is a stain upon our national character, and reproachful to the citizens of the universe.

Both governments and people have rights which

result from necessity alone—either may rightfully take the life of a citizen in cases of necessity; but, where there is no necessity, the right is denied; and there are various other cases where the existence of rights depend upon some necessity. That, when the Constitution was adopted, there was a necessity for slavery, to a certain extent, and that the necessity still exists, I do not deny; nor do I pretend that Congress has authority to judge of the necessity, or of the right, in any of the original States, or such as have since been adopted, without restrictions, either express or implied; but I utterly and absolutely deny that, because the necessity still exists in some sections of the Union, and with it the right, that hence the right is co-extensive with the limits of our country, and with *any* limits, which, at all future periods, may be given to it; and that we are bound to pursue a policy which will perpetuate the necessity, and with it the existence of slavery.

By the 4th section of the 3d article of the Constitution, the United States are bound to "protect" each State against "domestic violence;" and I take it for granted that none are so tenacious of "State rights" as to hold them bound to the performance of a duty, and deny to them the necessary power; and, should the power be granted, I shall not expect to hear it urged that we have no power to guard against the happening of the violence from which the States are to be protected; and, if it be admitted that we have power for this latter object, I will refer gentlemen to the last clause of the 8th section of the 1st article of the Constitution, where they will find authority given "to pass all laws which shall be necessary and proper for carrying into execution the foregoing powers."

If, then, it be true, that there is danger of domestic violence from the existence of slavery, which I am confident none will deny, I should apprehend that a law, the object and certain tendency of which is to diminish the relative number of slaves in our country, and spread a free white population over the fairest portions of it, must not only be proper, but indispensably necessary, to guard against the occurrence of violence, and preserve the United States in a condition to discharge its duties. All admit that slavery is an evil; and I contend that its extension over the boundless regions of the West, would be an extravagant and unnecessary extension of an evil which must affect every section of the Union, and every class of the community; and, if thus extended, an evil from which our *innocent posterity* will never escape. But we are told that, be the evil what it may, Congress has no power which it can exercise over the subject. And, sir, is it true that, in one-third of a century from the adoption of the Constitution, we have made the unfortunate discovery that an evil may threaten our existence, and one too which the people, who have not the means for making a united effort, cannot overcome, and yet Congress, which alone has power to prescribe the national policy and direct its energies, may look on and weep for the calamity, but cannot extend the arm of relief, because the wisdom of our fathers was

not sufficient to provide for the exigency? Long, very long, sir, will be the period that will have elapsed before I shall have come to that conclusion.

If it can be demonstrated that a right to hold a human being in slavery beyond its necessity, is among the legitimate attributes of sovereignty, and that slavery is not an evil, I shall cheerfully yield the ground to those now opposed to me; but until this shall be made to appear, I shall adhere to my positions, and shall contend that, as in every country, a right to guard itself against impending dangers must somewhere exist; and as in this country, and upon this subject, it is impossible for it to be exercised with effect, but by the General Government, we ought, on this occasion, as does the honorable Speaker, and many others, now opposed to me, when on the subject of internal improvements, "give such an enlarged and liberal construction to the Constitution," as will enable us "to provide for the common defence and general welfare," in the best practicable manner, while no attribute of sovereignty shall be thereby infringed.

Hitherto, slavery has not been so recognised by the General Government, as to cause our national character to be materially affected by it; for, although there are States in the Union which, from the necessity of the case, may be termed slaveholding States, it cannot, with truth, be alleged that, as a nation, we have permitted slavery. But if, under present circumstances, Congress shall solemnly decide that it cannot restrain the unlimited extension of it, and that a want of power to do so results from an unqualified recognition of it by the Constitution, our national character will become identified with it; and instead of its being considered, as heretofore, a local malady, and susceptible of cure, it must henceforth be regarded as affecting the whole system, and past the hope or possibility of a remedy. Permit me then to express a hope that gentlemen will yet find it consistent with their views of the Constitution and the best interests of their country to join with us in limiting an evil which cannot at present be removed; and that we may continue our united efforts to cause the blessing which naturally results from the labors of our fathers, to be universally felt and acknowledged; while evils, which are local in their nature, and which cannot be diminished by dispersion, may be made to continue local till removed, and our national character thereby preserved.

Could I feel certain there would be no accession to the present number of slaves, other than by procreation, uninfluenced by an extraordinary demand, a question, differing very widely from the present, would be presented for my decision. But, sir, we must take men and things as they are. Permit it, then, over the boundless regions of the West, and the time will not only never arrive when slavery can be extinguished, not even with the universal consent of the masters, but the absolute certainty that the scenes which have been acted at St. Domingo will, at some period, be acted in this country—will, to my mind, be established beyond a doubt; for "the justice of the Al-

mighty cannot sleep forever," nor has he any "attributes which could take sides with us in such a contest." And I will here remark, that, although this nation is not chargeable with the original introduction of slavery, yet, unless it shall employ all practicable means to ameliorate its condition, and finally extinguish it, we must, in the view of Heaven, of reason, and common sense, be regarded as trespassers from the beginning, and held answerable for all the direful consequences.

The increase by procreation is capable of being extended almost without limits; and, until man shall cease to make merchandise of his fellow, it will extend with the extension of demand; and you may pass what laws you will against the importation, employ, if you please, the whole Army and Navy of the country to enforce them, and yet, if the demand be great, the unfortunate Africans will be torn from their country, and, with thousands of the American free blacks, doomed to supply the demand. All our experience proves, that wherever there is a demand for a commodity, it will be supplied; and, if the demand cease, the commodity will disappear. It is by limiting the demand, then, and by that alone, that I can look with the smallest degree of confidence, to a period when slavery and its miseries and misfortunes shall cease to exist, or our country rendered safe against some dreadful catastrophe.

I admit, that to limit the demand, will affect the value of that species of property, (if such gentlemen will call it,) so far as its value depends on its convenience as an article of merchandise; and so far also, as a right of property can exist in unborn millions of the human race. But I submit to the candor and good sense of that portion of my fellow citizens who are possessed of it, whether they can reasonably require from us, that we should keep open an unlimited demand, at the expense of our national character, as we believe; in opposition to the influence of religion, and the dictates of humanity; and in a total disregard for the perpetuity of our institutions, and the happiness of all succeeding generations?

I certainly feel no disposition to confine the present slave population within so narrow limits as to render their miserable condition more miserable; and when the country between Pennsylvania on the north, the Gulf of Mexico on the south, the Atlantic on the east, and the Ohio, the Mississippi, and the western boundary of Louisiana, on the west, or so much of it as shall continue to permit slavery, a large portion of which is yet a wilderness, shall become so populous as to render an extension necessary, either for the happiness of the slave or the safety of the master, I would then, and not till then, agree to its extension. But I never can consent, under any circumstances, to give my aid in furnishing new facilities for acquiring and perpetuating a property in human beings.

I have purposely omitted to urge the expediency of the proposition, as enforced by a consideration of the agonies, the sighs, the floods of tears, which accompany even the domestic traffic in slaves; a traffic, in which the most endearing ties, incident to human nature, are broken up, and forever dis-

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

solved; a consideration which, with me, has an irresistible influence. But, gentlemen will perceive that it must be extremely unpleasant to dwell upon it here. I shall, therefore, pass it by, with simply reading a short extract from a Virginia paper, the Norfolk Herald. It is true that the article in question was not published for the purpose of informing the present or future generations, of the cruelties which accompany the traffic, but to describe such as were practised by the late enemy, in capturing and carrying away slaves; still, if they are correctly described in the one case, I apprehend a true picture is presented of such as result from the other.

"To take cattle, or other stocks, would be consistent with the usages of civilized warfare; but to take negroes, who are human beings—to tear them forever from their kindred and connexions, is what we should never expect from a Christian nation, especially one that has done so much to abolish the 'slave trade.' There are negroes in Virginia, and, we believe, in all the Southern States, who have their interests and affections as strongly engrafted in their hearts as the whites; and who feel the sacred ties of filial, parental, and conjugal affections, equally strong, and who are warmly attached to their owners and the scenes of their nativity. To those no inducements which the enemy could offer would be sufficient to tempt them away; to drag them away, then, by force, would be the greatest cruelty. Yes, it is reserved for England, who boasts of her religion and love of humanity, to practise this piece of cruelty, so repugnant to the dictates of Christianity and civilization."

And, I ask, sir, if "this piece of cruelty" is not every day practised by men claiming to be American citizens, in the prosecution of the domestic trade?

A regard for the morals, the manners, and the industry, of "endless generations proceeding from us," must also forcibly urge the expediency of the proposed measure; but I doubt whether this is a suitable time and place to enter upon the discussion of this branch of the subject. Should any gentleman wish for information in regard to it, I will refer him to one, than whom none is better qualified to give it. Let him go to our library, and consult the venerable Jefferson; there he will learn the opinion of that enlightened statesman and philosopher upon this interesting subject, and there he will behold him "trembling for his country, while he reflects that God is just, and that his justice cannot sleep forever; that, considering nature, numbers, and actual means only, a revolution in the wheel of fortune, a change of situation, is among possible events, and may become probable by supernatural interference." Let him learn from him, also, the "execrations" with which "the statesman should be loaded, who, permitting one-half of the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies; destroys the morals of the one part, and the *amor patriæ* of the other." And I ask him, then, to inform me, whether we can be held guiltless, if we permit a state of things, which Congress alone has the power to prevent, the undeniable tendency of which must be, to perpetuate

slavery to the latest period of time, or extinguish our innocent posterity from the earth; remove from its foundations the noble edifice which has been reared by the hands of our fathers, and cemented with their blood; and annihilate the cheering prospects of the philanthropists in every quarter of the world, who have looked, with enraptured delight, to the great results anticipated from the influence of our example.

Mr. Chairman, to the remarks already offered, and to which I have been honored with the patient indulgence of the Committee, I will only add, that it is impossible for any one to regret more sincerely than myself the difference of opinion which exists upon this subject; a regret which is exceedingly augmented by the circumstance, that gentlemen, coming from nearly equal moieties of the Union, are, almost to a man, arrayed against each other; and from one, composing nearly the half of this body, it is believed without a dissentient; a circumstance calculated to induce an apprehension that one or the other of the great divisions have either lost sight of the Constitution or the best interests of the country, and possibly both. Nothing, I am sensible, can be more prejudicial to the happiness and prosperity of this nation than local, sectional jealousies, either among the people or members of the Government; jealousies which, on former occasions, the utmost of my powers have been employed to prevent, and not, as I believe, without some success. The same efforts, sir, will be continued; but, if gentlemen shall insist on a right to spread a slave population over any portion of this country, in which the few inhabitants, who may be there at a given period, will yield their assent, and if they shall continue, to the extent of their powers, to enforce their supposed rights, regardless of the will of the great majority of the free citizens of the nation, whose lives and fortunes are pledged for its safety, I cannot flatter myself that, in future, my efforts will be crowned with their usual success. For I have no reason to expect that it is possible to effect such a revolution in the minds of men unaccustomed to a belief that slavery is ordained by God, as to procure *their* assent to the existence of such a right, and that they are bound to submit, without a murmur, to all the evils resulting from its unlimited exercise.

If, instead of pursuing a policy which, in my judgment, will fasten slavery upon our country beyond the hope of relief, except by some dreadful convulsion, and even render that certain, and the issue doubtful, gentlemen will commence the work of providing for its gradual decline, by prescribing bounds to it, and in whatever other manner which shall be fair and practicable, they may be assured of my co-operation to the extent of my powers; and, if necessary, I would consent that the proceeds of all the public lands be applied to that object. I would even go further: I would mortgage the premises on which I live, and which have been rendered dear to me from circumstances that I have there, by the successful influence of my example, taught my sons to cultivate the earth, while my daughters have been instructed in the manufacture of clothing for themselves and brothers, extending

H. OF R.

Proceedings.

FEBRUARY, 1820.

even to those I have now the honor to wear, and in the useful labors of the kitchen.* But if, in place of this, gentlemen shall require an admission from us, that a right to impose involuntary servitude upon endless generations of the human race, has been recognised by our fathers as an attribute of sovereignty, over which we have no control; or, that we should now sanction the principle by a national act, and thus put it out of the power of our descendants to secure to themselves a safe and happy condition, we have no alternative left but to continue our efforts to preserve what we believe the best interests of our country, in the manner proposed. In default of which posterity would weep for our weakness and want of regard for their welfare.

FRIDAY, February 18.

Mr. TYLER presented a memorial of the "Virginia Society for promoting Agriculture," in opposition to the several petitions and memorials which have been presented to Congress at the present session, for additional duties upon the importation of foreign manufactured goods, by way of protection to the manufacturing interest of the country; which memorial was referred to the Committee of the Whole to which is committed the bill regulating the payment of duties on merchandise imported, and for other purposes.

Mr. BEECHER presented petitions from sundry inhabitants of the State of Ohio, praying that provision may be made whereby a part of the money drawn from them, for the payment of their lands, may be expended among them towards the internal improvement of the country; and that an extension of credit may be allowed to those indebted to Government for the purchase of lands.—Referred.

Mr. CAMPBELL, from the Committee on Private Land Claims, to whom was referred the bill from the Senate, entitled "An act confirming Anthony Cavalier and Peter Petit in their claim to a tract of land," made a detailed report thereon, recommending the passage of the said bill.

Ordered, That the said bill be read a third time on Monday next.

Mr. WILLIAMS, from the Committee of Claims, also made report on the petition of Jacob Konkopot and others, of the nation of Stockbridge Indians, residing in the State of New York, accompanied with a bill for their relief; which bill was read twice, and committed to the Committee of the Whole to which is committed the report of the same committee on the case of William Henderson.

A message from the Senate informed the House that the Senate have passed the bill of this House, entitled "An act for the admission of the State of

Maine into the Union," with amendments, in which they ask the concurrence of this House.

Mr. SMYTH, from the Committee on Military Affairs, to whom was referred the petition of the Reverend Aaron J. Booge, reported the following resolution:

Resolved, That the petition of Aaron J. Booge, late a Chaplain in the Army of the United States, praying that a law may be passed for appointing Chaplains to the Army, ought not to be granted."

The resolution was read and committed to a Committee of the Whole to-morrow.

Mr. SMYTH, from the same committee, also reported a bill for the relief of Berryman Green, administrator of Samuel Kerby, deceased; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. Cook submitted the following resolution:

Resolved, That the Committee on the Public Lands be instructed to report a bill allowing to each of the officers and privates, or their legal representatives, of the Illinois regiment, organized by the State of Virginia, for the reduction of the British posts northwest of the river Ohio, during the Revolutionary war, who have received no share of the land set apart by that State for that regiment, a quantity of land equal to the amount already received by a part of that regiment, and according to the principles upon which that allowance was regulated by the laws of Virginia.

Some conversation took place between Messrs. COOK and CAMPBELL, on this resolution, in which the latter proposed, and the former agreed, to modify the motion, so as to direct the committee to inquire into the expediency of the object, instead of instructing them to report a bill.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

In conformity with a resolution of the House of Representatives of the 24th January, 1820, requesting me "to inform the House what loans (if any) have been made since the peace, to private citizens, of powder, lead, and other munitions, belonging to the Government, by officers of any department of the Army or Navy; specifying the times, terms, objects, and extent, of such loans; the names of the persons by whom, and to whom, made; the different times of repayment, and also the amount of the ultimate loss (if any) likely to be incurred by the Government in consequence thereof," I now transmit a report from the Secretary of War, which, with the accompanying documents, contains all the information that can be furnished on the subject.

JAMES MONROE.

WASHINGTON, February 8, 1820.

The Message and documents were ordered to lie on the table.

Mr. MEIGS, of New York, moved for the consideration of a proposition submitted by him, a few days ago, for making a certain appropriation of the public lands, (for the gradual abolition of slavery;) and was proceeding to assign reasons why he thought such a proposition ought to be adopted, when the Speaker suggested to him that, in moving for the consideration of any proposition lying on the table, it was not in order to debate it.

* When this subject was under consideration at the last session, the honorable Speaker remarked to the following effect: "If gentlemen will not allow us to have black slaves, they must let us have white ones; for we cannot cut our firewood, and black our shoes, and have our wives and daughters work in the kitchen."

FEBRUARY, 1820.

Admission of Maine and Missouri.

H. OF R.

From this decision Mr. MEIGS appealed to the House; and, the question being put, the decision of the Speaker was affirmed by a large majority. The question was then taken, on Mr. MEIGS's motion, to proceed to consider his proposition, and decided in the negative, without a division.

THE MISSOURI BILL.

The House then again resolved itself into a Committee of the Whole on this bill.

Mr. LOWNDES, of South Carolina, rose and addressed the Committee, in a speech of more than three hours, against the right and expediency of the proposed restriction.

The Committee then rose, on the motion of Mr. PLUMER, of New Hampshire; and the House adjourned.

SATURDAY, February 19.

Mr. CANNON submitted the following resolution:

Resolved, That the Secretary of War be directed to lay before this House a statement of the whole number that have been educated at the Military Academy since its first establishment, from the District of Columbia, also, from each State and territory in the Union; the number now at said academy from the District, and from each State and territory, and the number that are now in the army or navy of the United States that have been educated at said academy, and the place or appointment each fills in said army or navy; also, the number now at said academy that are orphans of those who have fallen in defence of their country, or died in its service during the late war; and the district, State, or territory (if there are any) they are from; also, to state the whole amount, including pay, subsistence, and every other expenditure made by the General Government on account of said institution, from its first establishment up to the present time.

Mr. RICH suggested that a part, if not most, of the information called for by the resolution, had already been called for by resolutions of the House, of the last and present sessions, and was in part rendered; that a further report might be expected in a few days from the War Department, and until it was seen what part of the information required by the present motion should not be reported it had better lie on the table, which he moved.

Mr. CANNON and Mr. STEVENS opposed the motion to lay the resolution on the table, because, should the resolution repeat any call heretofore made, the Secretary would report such information only as should not have been previously required and rendered, &c.

The question to lay the resolution on the table was agreed to, 67 to 42.

MAINE AND MISSOURI.

The House took up the amendments of the Senate to the bill for the admission of Maine; which amendments propose to authorize, by the same bill, the people of Missouri to form a State government, without the slave restriction, but containing a clause to exclude slavery from all the territory west of the Mississippi which lies north

of thirty-six degrees thirty minutes north latitude, except the proposed State of Missouri.

Mr. TAYLOR moved that the amendments of the Senate be disagreed to by the House.

Mr. SCOTT, of Missouri, moved that they be committed to the Committee of the Whole, which at present has under consideration the Missouri bill of this House—which motion had precedence of the motion to disagree.

On these motions, and those that are subsequently mentioned, a long and animated discussion took place, of which the following is scarcely more than an enumeration of the gentlemen who spoke, and an indication of the sides they respectively took.

Mr. HOLMES hoped the amendments would not be committed. If they were, it would be some time before they could be acted on, as there were, he believed, at least thirty speeches yet to be delivered on the restrictive proposition now before that Committee; and until that proposition was decided, the Committee of the Whole would not take up the amendments of the Senate: in the mean time, the period allowed by the law of Massachusetts (the 3d of March) for the consent of Congress to the admission of Maine would arrive, and all that had been done would be lost. He hoped, therefore, that the House would act promptly on these amendments; separate the two subjects, and give its consent to the admission of Maine, to which no one had objected, or could object, &c.

Mr. CULPEPER was willing to admit Maine unconnected with Missouri; but as they had been united by the other branch of the Legislature, the amendment ought to take the usual course, and be treated with that courtesy and respect which the source of the amendments entitled them to, &c.

Mr. SMYTH, of Virginia, for the purpose of allowing time for the debate on the restriction to be brought to a close before the amendments of the Senate should be taken up, moved that they be postponed to next Monday week; which motion was lost by a large majority.

Mr. S. then moved their postponement to next Monday; which was also negatived.

Mr. EDWARDS, of North Carolina, was in favor of the commitment, because they would consume no more time if they took that course, which was usual and proper, than if taken up in the House, where they would be just as much debated, &c.

Mr. STROTHER was against an immediate decision of the amendments, and in favor of their commitment. The amendments contained new features, which required reflection; that proposing a compromise, for instance. These questions the House could not be prepared to decide at once, because its attention had been exclusively taken up in considering the restrictive question. It was not proper that the House should be driven into the instant decision of questions of such immense magnitude. He wished not any long period of postponement; but was averse to acting hastily, and without deliberation. Mr. S. spoke at some length to enforce and illustrate the opinions stated here in substance only.

Mr. LIVERMORE strongly disapproved of the connexion of the bills as they came from the Senate;

H. of R.

Admission of Maine and Missouri.

FEBRUARY, 1820.

but he saw something in the amendments which seemed likely to put an end to the disagreeable subject which now occupied the House. He wished the subjects separated, and then some course might be adopted similar to the compromise proposed by the Senate, and the matter ended happily and harmoniously. He argued earnestly in favor of the claims which Maine had to admission without delay, and against a course which would, by allowing the time to which she was limited to pass by, and thus her reasonable expectations be defeated. He deprecated the feelings of irritation which such an unkind course would produce in her citizens, &c.

Mr. WHITMAN opposed the commitment with much earnestness and at considerable length. He disapproved most pointedly and emphatically the connexion of the bills, and argued in favor of a prompt decision of the question. He felt as one personally interested, (being a member from the District of Maine,) and confessed that his feelings were stronger than he could find proper language to express them in, and he could scarcely trust himself to speak on the subject of the amendments.

Mr. STORRS observed that it was well known that no man was more in favor of a compromise of the unhappy subject than himself; but even this he would not agree to on compulsion. He was opposed to the commitment of the amendments; it would be of no utility, as the question now before the Committee would be first decided before the amendments would be taken up; and then a bill would have previously passed on the same subject. The subject of the amendments was a legal one, he admitted; but the object of the connexion was to coerce this House, by operating on those members particularly interested in the admission of Maine into the Union. This course he thought was disapproved by the House, and the proper way to show it was by a prompt, a very prompt, rejection of the amendments. Such was the course taken by the House on a former occasion, when an amendment was inserted in an appropriation bill by the Senate, providing for brevet pay, which the House had previously stricken out. Mr. S. repeated that he was in favor of the compromise, but he would not give up the right of giving a distinct and unshackled vote for the admission of Maine.

Mr. SIMKINS conceived it would be extremely wrong not to allow some time to reflect on this subject. The amendments were long, and contained numerous provisions, some of them of the highest importance. How were they to be understood from the single reading of them by the Clerk? He wished them to be printed, and time allowed to examine and consider them. He trusted that the majority, because they had the power, would not force members at once to decide on so important a matter without knowing scarcely on what it was they were to vote. The Senate had deemed the two subjects compatible, and had thought proper to join them: it was not proper by any means to ascribe improper motives to the Senate for so doing. Respect for the Senate required that their amendments should not be treated with so much

precipitation and so little deference. He was in favor of the commitment.

Mr. GROSS, of New York, said he was glad of an opportunity of stating, in his place, what he thought of the conduct of the Senate in this affair; and proceeded to remark that he thought it did not deserve the respect of this House, but was stopped by the Speaker, as such expressions here, applied to the other branch of the Legislature were out of order. Mr. G. then remarked, that, come from where it might, the amendment was an attempt to coerce the members of this House, and he decidedly disapproved of it, &c.

Mr. WALKER, of North Carolina, made a few remarks in favor of the commitment, which were not at all heard.

Mr. MERCER supported the right of the Senate to annex any amendment to a bill from this House, and that the House had no right to know the motives of the Senate, merely from the *prima facie* evidence of the amendments. It was not proper to allude to them in debate, much less to impute improper ones to that body. The course adopted by the Senate in this instance was justified by the practice of the British Parliament, from which our rules of proceeding are drawn—instances of which Mr. M. mentioned. He could imagine very strong reasons, of the most honorable character, for the amendments of the Senate, but it was not right that he should advert to them; and he could not enter into the examination of views, such as had been imputed by others. If the proposition from the Senate be, as was believed, the olive branch of peace on the most momentous question that had ever agitated the councils of the nation since the foundation of the Government, was it proper thus to treat it? As to the case stated by Mr. STORRS, the present one bore no sort of analogy to it: that was a question on the right of the Senate to originate in a money bill a clause making an appropriation. In this case, if the proposition from the Senate should happily put to rest the divisions in the House, and heal the wounds inflicted throughout the nation by this question, they would deserve immortal honor.

Mr. SERGEANT was against the commitment, and in favor of an immediate decision on these amendments. Without speaking or acting improperly towards the Senate, respect for themselves required the House to act promptly. Mr. S. opposed the amendments at some length. One reason for it was, that the bill came with too much; they did not belong to the bill; it proposed to connect with Maine all the questions belonging to the Missouri subject, and, what was more, connected with Maine the question called a *compromise*. Could gentlemen seriously call this an amendment? They might call it what they pleased, but it would be just as proper to annex to it a pension law or a bankrupt bill, and call it an amendment. Whatever the object of this amendment, it would appear to have an improper end in view, and such would be its effect on the public mind, &c.

Mr. SMITH, of North Carolina was in favor of the commitment, and (as well he could be heard) spoke to show that the amendments were not im-

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

proper; that the course taken by the Senate was not unusual or unnatural; and that, whatever the decision on them here, he doubted whether that body would recede.

Mr. SMITH, of Maryland, opposed the commitment as useless, and argued to show that it would not save time; that it would be attended with inconvenience, without producing any benefit, &c.

Mr. BROWN, of Kentucky, spoke at considerable length, and very warmly, against the proposition to force members into an instant decision of this important question. He maintained the justice and fairness of allowing time for an examination of the amendments, and for preparation for a decision; and condemned strongly the attempt to coerce the House into an immediate vote on a subject so little understood and so important.

Mr. McLANE, of Delaware, was in favor of committing the bill, not because he was in favor of uniting Maine and Missouri, for he was decidedly opposed to the union; and if he supposed the commitment would retard the admission of Maine, he should be opposed to it; but this could not be the effect; it would be decided as soon as the question now under consideration could be. He had opposed the union of the bills when the subject was originally before the House; he was still opposed to it, because he deemed it a dangerous mode of legislation, and would vote to disunite them, whenever the subject should come distinctly before the House. But the union of Missouri with Maine was not the only amendment the Senate had made: they had introduced another of equal, if not of greater importance—that which prohibited the introduction of slavery into the Territories. He was in favor of this proposition; he presumed all the advocates of restriction would also be in favor of it. It was an amendment of vast importance, which might as properly be introduced into the bill for the admission of Maine as in one for the admission of Missouri, or in a distinct bill. It was because this was an important subject that he wished it to be duly weighed and considered. It also embraced the basis of a compromise, which had been adjusted in the Senate, after great deliberation. Desirous as he was of quieting public excitement, on some principle of compromise, he hoped time would be afforded to test its practicability. If Missouri should be stricken from the bill, this amendment, being a distinct proposition, would remain, and deserved to be considered. If he were now forced to vote upon the rejection of the amendments of the Senate, opposed as he was to the union of Maine with Missouri, he should be compelled to vote against both provisions, and thus aid in defeating a compromise which he was so anxious to effect. He hoped, therefore, that the bill would be committed.

The question was then taken on committing the bill and amendments, and decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Barbour, Bayly, Bloomfield, Brevard, Brown, Bryan, Burwell, Butler of Louisiana, Cannon, Cobb, Cocke, Crawford, Crowell, Culbreth, Culpeper, Cuthbert,

Earle, Edwards of North Carolina, Ervin, Floyd, Garnett, Hall of North Carolina, Hardin, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Kinsey, Little, Lowndes, McCoy, McCreary, McLane of Delaware, McLean of Kentucky, Mercer, Metcalf, Neale, Nelson of Virginia, Newton, Overstreet, Pindall, Quarles, Rankin, Reed, Rhea, Ringgold, Robertson, Shaw, Simkins, Slocumb, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Strother, Swearingen, Terrell, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina, Warfield, Williams of Virginia, and Williams of North Carolina—70.

NAYS—Messrs. Adams, Allen of Massachusetts, Allen of New York, Baker, Baldwin, Ball, Bateman, Beecher, Boden, Brush, Buffum, Burton, Butler of New Hampshire, Campbell, Case, Clagett, Clarke, Cook, Crafts, Cushman, Darlington, Davidson, Denison, Dewitt, Dickinson, Dowse, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Fay, Fisher, Folger, Foot, Forrest, Fuller, Fullerton, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Heister, Hill, Holmes, Hostetter, Kendall, Kinsley, Lathrop, Lincoln, Linn, Livermore, Lyman, Maclay, Mallary, Marchand, Mason, Meech, Meigs, R. Moore, S. Moore, Monell, Morton, Mosceley, Murray, Nelson of Massachusetts, Parker of Massachusetts, Parker of Virginia, Patterson, Phelps, Philson, Pitcher, Plumer, Rich, Richards, Richmond, Rogers, Ross, Russ, Sampson, Sergeant, Settle, Silsbee, Sloan, Smith of New Jersey, Smith of Maryland, Southard, Stevens, Storrs, Street, Strong of Vermont, Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Upham, Van Rensselaer, Wallace, Wendover, Whitman, and Wood—107.

Mr. SMYTH, of Virginia, then moved to lay the amendments on the table, and print them, that the House might at least see what it was called on to decide; which motion was also lost—yeas 77, nays 96.

The question recurring on the motion to disagree to the amendments—

Mr. SIMKINS moved that the amendments be postponed to Tuesday, and be printed; declaring that he was wholly unprepared at present to vote on the subject; and supported his motion in a speech of some length. The motion was assented to by Mr. TAYLOR, and supported by Messrs. RHEA, CULPEPER, STEVENS, STORRS, and BALDWIN; the last named gentleman, among other remarks, denying that the amendment called a *compromise*, could be called so with propriety, inasmuch as it was inconsistent with the Constitution, and the whole course of legislation for thirty years.

The motion to postpone was opposed by Messrs. WHITMAN, LIVERMORE, and HOLMES, because they were opposed to any delay, as it might endanger the fate of the Maine bill, which they desired to have separated from the other subject immediately, and disposed of as justice and fairness required.

The question being taken on postponing the bill to Tuesday, and printing the amendments, was carried by a large majority; and the House adjourned.

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

MONDAY, February 21.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report on the petition of Daniel Converse, accompanied by a bill for his relief; which bill was read twice and committed to a Committee of the Whole, to-morrow.

Mr. SERGEANT, from the Committee on the Judiciary, reported a bill altering the place of holding the circuit and district courts in the district of Ohio; which was read twice, and ordered to be engrossed and read a third time to-morrow.

The bill from the Senate confirming Anthony Cavalier and Peter Pettit in their claim to a tract of land, was read the third time and passed.

Mr. McCox moved the consideration of the resolution offered by Mr. COOKE, of Illinois, on the 17th instant, in relation to the bounty lands lying in Illinois, promised by the State of Virginia to Colonel Clark's regiment, in the Revolutionary war. His motion to consider was lost by a large majority.

MILITARY ACADEMY.

Mr. SMYTH, of Virginia, in pursuance of instruction from the Committee on Military Affairs, moved the adoption of the following resolution:

Resolved, That the President be requested to cause to be prepared and submitted to Congress a system of regulations for the government of the Military Academy at West Point.

This proposition gave rise to some conversation. Mr. ANDERSON did not conceive it to propose a usual or proper course of proceeding; it was the duty of the President to execute the law, but of this House to devise and frame it, &c. Mr. CULPEPER expressed substantially the same sentiment. Mr. S. PARKER said the President had already, in a recent case, decided that the Academy should be under the government of martial law: if the Military Committee was of a different opinion, they ought so specifically to report. Mr. CANNON suggested that it might be found necessary to abolish this Academy—he being of that opinion; and he desired therefore a particular inquiry and report upon the subject by a committee of this House. Mr. LITTLE opposed the recommitment which was proposed; but wished to modify the proposition so as to call on the Secretary of War instead of the President, to report upon the subject. Mr. FOOT was in favor of recommitment, and expressed his wish for further information and inquiry on the subject.

The result was, that, on motion of Mr. RHEA, the proposition was recommitted to the Committee on Military Affairs, with instructions to report to this House a system of regulation for the government of the Academy.

OUR AFFAIRS WITH SPAIN.

Mr. REID, of Georgia, submitted for consideration the following resolution:

Resolved, That the President of the United States be requested to impart to this House any communications touching the Florida Treaty, which may have been received from our Minister Plenipotentiary at the Court of Spain, which have not been heretofore

communicated, [and which, in his opinion, it may not be inconsistent with the public interest to communicate.]

The concluding clause was adopted with the consent of the mover, on the suggestion of Mr. TAYLOR, of New York.

Mr. COCKE moved to extend the scope of the motion to communications from any other sources than our Minister in Spain.

Mr. REID objecting to the form of the proposed amendment, rather than to its object—

Mr. COCKE moved to lay the proposition on the table; which motion was carried, 65 to 62.

MISSOURI BILL.

The House then resumed, in Committee of the Whole, the consideration of this bill and the proposed amendment.

Mr. PLUMER, of New Hampshire, addressed the Chair as follows:

Mr. Chairman, there are many considerations which seem to me not only to justify, but to render necessary the amendment proposed by the gentleman from New York, (Mr. TAYLOR,) to the bill now under discussion. Some of the most important of these I shall endeavor to explain to the Committee.

It will, I fear, be hardly thought respectful, at this late period of the debate, to inquire what it is that we propose to do by the bill on your table? Yet, a correct answer to this inquiry would, in my opinion, go far to prove that very many of the objections made to the amendment proposed by the honorable gentleman from New York, have little or no bearing on the real merits of the present question. This is by no means an unusual case. It will, I believe, be generally found that we err in our opinions principally because we do not understand ourselves; and that we differ from others principally because we do not understand them. What, then, is the real nature of this transaction? The people of Missouri have applied to Congress for leave to form a constitution, and to be admitted into the Union as an independent State. By the bill now under discussion, we are about to inform them, in answer to their memorial, what are the terms and conditions on which we are willing, at this time, to grant their request. The first of these conditions is, that the new State shall consist of a certain extent of territory, different from that proposed in their memorial, and different from that embraced within their present limits, and in both these respects differing from their request; the second is, that their constitution shall be republican; and the third, which is the object of the present amendment, that *they shall prevent the further introduction of slaves, and that the offspring of those already there shall be free*. These three conditions are made indispensable to their becoming, at this time, a member of the federal Union. Other terms are also proposed; but these are offered only as the price of certain other stipulations, into which it is desired that Missouri should enter. They are, by the same act, authorized to call a convention, to determine whether it is expedient for them, at this time, and upon these conditions, to become a mem-

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

ber of the Union. If so, they are permitted to form a constitution, and are to be received, without delay, into our Confederacy.

This act, then, is simply an answer to the request of Missouri; and, without her consent and acceptance, it can have no binding force or effect on either party. If, when met in convention, her delegates should deem it inexpedient to accept our terms, there is an end, at once, of our act, and of all the measures growing out of it. Either party may propose new terms, or both remain in their present condition. We do not, therefore, as has been so often asserted in this debate, undertake to form a constitution for the people of Missouri; we do not impose upon them terms and conditions which are to bind them without their consent; nor do we, by this act, say that Missouri shall *never* be admitted, if she does not accept our present offers. We merely inform her on what conditions we are willing, *at this time*, to receive her into the Union. If she does not choose to accept them, we cannot, on our part, complain of her, because she has a right to reject our offers, and to remain a Territory if she pleases; nor can she complain of us, because it is universally conceded that we are under no obligation to admit her, at the present session at least, however we may be under the treaty, (a question which I shall presently examine,) at some future period. The first inquiry, then, is, can Congress propose this condition, and can Missouri accept it?

The right of Congress to admit new States is derived from the third section of the fourth article of the Constitution. "New States may be admitted by the Congress into this Union." The first thing to be remarked in this clause is, that it is a delegation of power merely, and not a duty imposed. It is not said that Congress *shall*, but that they *may* admit new States. The power to admit is granted, but no right is given by the Constitution to any Territory to compel Congress, against their will, to exert this power in its favor. It is not said, that, when any of our Territories shall contain a certain number of inhabitants, 60,000 for example, Congress shall, whether they deem it expedient or not, admit them into the Union; but an authority merely is given, which they are to exert or not, according to their own sound discretion. It is next to be observed, that the power here delegated, is expressed in the broadest possible terms; and, that so far as this clause is concerned, it is altogether without limitation or control. It follows, from this view of the subject, that there are three questions which Congress may discuss, whenever a Territory asks admission into our Union as a State. First, is it expedient to admit her at all? If one of the South American provinces should ask admission, we should probably reject the application as inexpedient ever to be granted. If, however, our decision should be to admit, a second question would arise, as to the *time* when this should be done, whether now, or at some future day? But, in these two powers, which it is conceded on all sides that we possess, is there not involved a third; that of saying on what terms, not inconsistent with other parts of the

Constitution, this admission shall take place? It might be expedient to admit, on certain conditions, a State, which we should be bound otherwise finally to reject. It might also be expedient, at the present time, to admit, on certain terms, a State, which, without this power, we should be obliged to suspend, till, by the influence of our laws, or by other causes, she should become accustomed to our manners, and assimilated to our political institutions. This interpretation of the Constitution is, therefore, equally beneficial to the Union, and to the Territories applying for admission.

But let us look again at this clause: "New States may be admitted, &c.; but no new State shall be formed or erected within the jurisdiction of any other State, &c., without the consent of the Legislature of the several States concerned, as well as of the Congress." Here, then, is a limitation on the powers of Congress. When a State is to be admitted, formed within the limits of some other State, as in the case of Kentucky, or the more recent one of Maine, the consent of the parent State, as well as of Congress, is to be obtained; and this consent may be, and in all instances has been, granted upon conditions. In the first clause, then, the power to admit is given without limitation, and may, therefore, be exercised on such terms as the party *consenting* shall prescribe, and the State to be admitted shall choose to accept; but in the second, this power is limited, by requiring the agreement of a third party, which, like the two former, may insist on its own conditions. The limitation in the one case, and not in the other, shows clearly, that when the Constitution intends to restrain a general delegation of power, it does so in express words; and the inference is irresistible, that where the power is distinctly given, and no limitation is expressed, none was intended. The correctness of this very obvious rule of construction will not be denied, and it appears to me strictly applicable to the present case. To show this power, if possible, still more clearly, we need only refer to the Journal of the Convention that formed the Constitution. We there find that this clause, as originally proposed, (p. 80,) stood thus: "The Legislature shall have power to admit new States into the Union *on the same terms with the original States.*" These latter words are not now to be found in the Constitution. It was proposed then to limit the power of Congress on this subject. That proposition was rejected by the Convention, and the power given in the broadest possible terms. I can hardly conceive a stronger case, and have heard of no answer attempted to this important fact.

To Congress, then, is given the power of admission in its full extent, and with all its incidents. What, Mr. Chairman, are these incidents? Suppose the States had reserved the right of admitting new members to themselves, instead of giving it, as they have done, to Congress: Can it be doubted that they might, in that case, have received into their Confederacy new associates, upon such terms and conditions as the contracting parties might see fit mutually to adopt? They surely

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

might. And why, sir? Merely because they possessed the power of admission. But, instead of retaining this power, they have transferred it to Congress. If we do not possess it, where does it reside? Not in the States; for they have nothing to do in the admission of new members; nor in the people, as asserted by the gentleman from South Carolina, (Mr. LOWNDES,) who last addressed you. He did not speak with his usual accuracy when he said that the people, and not Congress, possessed the power to impose conditions on States about to be admitted into the Union. The people, sir, have reserved to themselves no such power, any more than they have reserved the power, for example, of declaring war. Their power to declare war they have transferred to Congress. Their power to admit new States, they have, in like manner, transferred to Congress; and we have seen that this transfer is entire, with all its incidents, subject only to that general reservation which applies to all delegated power—that it shall be exerted in a manner not repugnant to other parts of the Constitution.

This brings me, sir, to inquire what are the limitations imposed on Congress by the Constitution in the exercise of this power? And, first, “the United States shall guaranty to every State in the Union a republican form of government.” They cannot, therefore, if they were so absurd as to wish it, prescribe to a new State that her form of government should be anti-republican, or monarchical; because the State, when admitted, would have a right to call on Congress for its guaranty of a different form. But this clause is not, as has been argued, an enlargement of the powers of Congress, but a limitation upon those powers; a stipulation in favor of the States, and against the General Government. “To guaranty” does not mean to create, or cause to be created; but simply to defend that which already exists. Yet Congress, to secure the existence of that, which, when established, they are bound to defend, have in every case made it a condition, in admitting new States, that their form of government should be republican. In the same clause it is also provided that Congress “shall protect each of the States against domestic violence.” Now, if their being bound to protect the States in the enjoyment of a republican form of government, authorizes them to make such a form the condition of their becoming States, why may not they, upon the same ground, under the latter clause, prescribe the exclusion of slavery as a condition? Slavery is sure ultimately to produce “domestic violence” wherever it exists. Foreseeing this, might not Congress say to a new State, we will not admit you, if you allow slavery to exist among you; because we shall be obliged, under this clause, at some future period, to protect you against “domestic violence,” arising from the insurrection and rebellion of your slaves? The right to anticipate and prevent an evil which they are bound, when it comes, to remove, is, in both cases, precisely the same; and, of the two evils, “domestic violence” is certainly much more likely to occur from the toleration of slavery, than an anti-republican form of government, for want of

an express stipulation to exclude it. Let me not, however, be understood as deriving any power claimed in the present instance, from this clause of the Constitution; but to those who think that they derive from this section alone their right to prescribe a republican form of government, this view of the subject cannot surely be without some degree of weight.

There is another obvious limitation on the power of Congress in admitting new States, which results from the nature of the compact. New States must be admitted to the enjoyment of all the rights and privileges derived by the original States from the Constitution; otherwise they would not be admitted into the same Union with the rest. No condition can, therefore, be annexed to the admission of a State, which takes from her any Constitutional, or, as it is more frequently called, any federal right, because this would be at variance with the admission itself, and, therefore, void; as in any other case of a condition annexed to a grant, inconsistent with the grant itself.

This is a limitation on the powers of Congress in favor of the new States. There is another, which may perhaps be inferred in reference to the old. Congress can propose no condition to a new State, which, if accepted by her, would transfer to the Union any power to be exercised over other States, which had not been granted by the Constitution to the General Government; because this would be to affect the political rights of third parties, without their own consent. And here, permit me to say, that this limitation furnishes, in my view, a conclusive answer to the gentleman from South Carolina, (Mr. LOWNDES,) who, if I rightly understood him, founded his chief objection to this measure, on the supposed inability of Congress to acquire, by compact with new States, federal powers not conferred by the Constitution on the General Government, to be exercised over the other States; and thus, in effect, to alter the Constitution in a manner not provided for by that instrument. The soundness of this principle it is not necessary here to controvert, or even to examine; since it is totally inapplicable, in my view of the subject, to the present bill. This amendment does not require the people of Missouri to transfer any portion of their sovereignty, or to invest the General Government with any new authority, which they did not before possess, applicable to other members of the Confederacy; but only that they should renounce the power claimed for them, of making slaves of their fellow men. It is a renunciation of the power merely, and not its transfer, which is asked in this case.

Subject, then, to these just and natural limitations, I can see nothing dangerous or alarming in the power claimed by Congress on this occasion. They can, on the one hand, deprive the new State of no right or privilege conferred by the Constitution on the original confederates; and, on the other, can acquire for themselves no new power or authority, to be exerted over the other States, without their consent. When to this we add, that the terms proposed must, in all cases, be accepted by the new State, before they have any

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

binding force; and that the supreme legislature of the Union acts for and represents the only other party in interest, the people of the United States, I can perceive no weight whatever in the argument, so earnestly pressed upon us from the other side, that this is a great and indefinite power, liable to abuse, and, therefore, not to be presumed to exist. Sir, an argument from the abuse of power is totally inapplicable, when the question is, whether we possess the power or not. What powers are more liable to abuse, than those, for instance, of making war and imposing taxes? Yet, no one will deny that, under the Constitution, we possess both these dangerous and indefinite powers. I have endeavored to show that the right here claimed is neither dangerous nor indefinite; yet, if it were both of these, this would be no proof that it was not conferred upon us by the Constitution; though it might have been an argument with the framers of that instrument for withholding it from us. They did not see fit, however, so to do, and for leaving this discretion in Congress, limited, as I have shown it to be, many good reasons might, I apprehend, be given.

There is nothing, surely, in the nature of a confederated republic, which renders it necessary for each member of the confederacy to possess the same State or municipal rights, any more than the same extent of territory, wealth, or population. Nor is it true, in point of fact, that they all enjoy the same privileges, or derive equal advantages from the Union. Who does not see that Delaware and Rhode Island, for instance, gain more from their connexion with the Union, compared with what they contribute to its safety or defence, than Massachusetts or New York? But neither the large States nor the small have any just reason to complain, if they enjoy all the rights and immunities for which they stipulated on their admission into the Union. It is the same with Missouri.

Acting for herself, by her own free will and choice, she will accept or reject the terms we propose. If she accepts, and thus makes them her own, she thereby becomes a member of our Union; she acquires rights which she did not before possess; obtains privileges which we are not, at this time, obliged to grant; and if, with good faith and fidelity, the United States perform toward her all the stipulations of the contract, of what can she complain? Whom has she to condemn? What right of her's has been violated? What privilege withdrawn? What immunity withheld? It is, then, the utmost perversion of language to say, as the honorable Speaker (Mr. CLAY) does, that, if she accepts these terms she becomes a vassal and a slave; or to argue, as he has, that this restriction is unjust, because it deprives her of the rights of self-government and internal police. For, where is the State in this Union which possesses these rights in their full extent? When we are told that Missouri will not have the rights of self-government, if she renounces the power claimed for her of depriving others of their right to freedom—not to animadvert here on the odious nature of the claim—is it not equally true, that all the other States are also deprived of the rights of self-gov-

ernment? Is it not an attribute of sovereignty—a right of self-government—to declare war, to enter into treaty or alliance with other States, grant letters of marque and reprisal, coin money, emit bills of credit, and pass bills of attainder? Yet no State in the Union can do any of these things. Are they, therefore, degraded to the rank of vassal and slave, and deprived of the rights of self-government? Surely not. And why not, sir? Because they voluntarily surrendered these and other rights to the Union. The original States became members of the Confederacy, after mature deliberation, not because any one of them approved of every part of the Constitution, but because they thought the advantages to be derived from the Union greater, on the whole, than the sacrifices (and no two made the same) which that Union required of them. Let Missouri do the same; and whether she determines at this time to become a State, or remain a territory for the present, the act will be her own, and performed with quite as much freedom of choice as the other States enjoyed when the same question was put to them.

Having thus, Mr. Chairman, proved, as I trust, that Congress has, by the Constitution, a right to propose terms and conditions to Territories applying for admission, I ask the attention of the Committee, while I pass briefly in review the several States admitted into the Union since the present form of Government was adopted, and inquire whether the conclusions I have thus drawn from the Constitution itself, are confirmed or contradicted by the practice and the declarations of those who have gone before us on this subject. This field has been already explored by others, but it is still rich in matter, most pertinent to this occasion. If, from this examination, it should appear that the new States have been uniformly admitted, upon terms and conditions, many of them affecting the highest attributes of sovereignty, and none of them applicable to the original States, it will not be easy to persuade me that the present Congress has less power and less authority, in this respect, than its predecessors.

The first State admitted was Kentucky. It was, originally, a part of Virginia, and was allowed by her to become an independent State, upon certain "terms and conditions." By the fourth of these conditions Kentucky was required to stipulate, that she would never tax the lands of non-residents higher than those of residents. By the seventh, she was required to leave the navigation of the Ohio free to all citizens of the United States. If these and other terms were accepted by Kentucky, they were "to become a solemn compact, mutually binding on the parties, and unalterable by either, without the consent of the other." These conditions were accepted by Kentucky, and she was admitted into the Union in 1791, subject to these restrictions. Such is the history of the first State formed under the present Constitution. But, how does this agree, sir, with the doctrine maintained on the other side? Every new State, says the gentleman (Mr. LOWNDES) from South Carolina, must have the same State rights, the same authority, and the same jurisdiction in all cases what-

ever, within its own limits, as the original thirteen. The very word *State*, says the Speaker, (Mr. CLAY,) implies a political community, possessing exactly the same rights and powers, and in all respects resembling the parties to the original compact. It is also on this same definition of the word *State*, that nearly the whole argument of the gentleman (Mr. BARBOUR) from Virginia, against this amendment, rests. But will this definition apply to Kentucky? No matter by whom these restrictions were imposed, whether by Virginia or by the Union, it is sufficient, for my argument, that Kentucky does not possess the same *State* rights which belong to the old States. In New Hampshire, for example, we can tax the lands of non-residents higher than those of residents. In Kentucky they cannot. Kentucky, then, does not possess all the attributes of sovereignty, of self-government, and internal police, which belong to the original States. But is she, therefore, degraded, made a vassal and a slave? Her champion on this floor, the most distinguished of her sons, (Mr. CLAY,) has proudly answered no; has proudly told us that she stands, in all respects, unnumbered and erect. And why, sir, is she not degraded by these conditions? The answer is obvious; because she consented to them freely; because she parted voluntarily with certain rights, as the condition of obtaining certain other rights. No more will Missouri be degraded, if, with a view to similar advantages, she renounces the odious power claimed for her, of making slaves of men.

The next State admitted was Vermont. Her constitution declared all men free. No conditions were annexed by Congress to her admission.

Tennessee comes next in the list of new States. She was formed out of territory ceded to the United States by North Carolina, on various "express conditions, and subject thereto;" one of these was, that the ordinance of 1787, so often mentioned in this debate, should be extended to her, except the article relating to slavery. Another was, that the lands of non-resident proprietors should not be taxed higher than those of residents. In 1796 she was admitted into the Union "on an equal footing with the original States, in all respects whatsoever." As this expression here first occurs, in admitting a new State, it may not be improper to inquire into its meaning, as applied to this subject.

We have already seen that the United States acquired this territory on certain "express conditions," on which alone they could hold it; that one of these (not to mention others) deprived the future State of a right—that of taxing non-residents higher than residents—which belonged clearly to the original thirteen States. This expression could not, then, mean that Tennessee should possess all the State rights enjoyed by any other State in the Union; for this would have been to violate the contract with North Carolina. Nor did Tennessee so understand it; for she incorporated the provisions of the deed of cession into her constitution, and thus, in express terms, became a party to the compact. The "equal footing" here spoken of, is, then, an equality of Federal rights merely;

and in no other sense is the expression applicable to any of the new States, except Vermont.

The next State admitted was Ohio; the fairest, the brightest, the most vigorous, of all your offspring. That she is so, that she has increased with a rapidity surpassing all example in the history of mankind, till within the short space of a single generation, (for the first settlers are still alive,) she has filled her capacious borders so that they already overflow with a race of hardy, intelligent, and virtuous cultivators of the soil, is confessedly owing to its being made a condition of her existence, both as a Territory and as a State, that she should exclude, what we now require Missouri to exclude, the foul plague of slavery from her bosom. With such an example before us, it seems almost impossible to hesitate as to the course we ought now to pursue. The Northwestern Territory, out of which Ohio was formed, was ceded to the United States principally by Virginia. In 1787 an ordinance was passed by the old Congress for its temporary government, and for its final disposition. This celebrated ordinance contained various "articles of compact between the original States and the people and States in the said Territory," which were "forever to remain unalterable, unless by common consent."

I shall have occasion hereafter to advert more particularly to these articles; I will here only add that the 6th article provided that there should be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes. The proposed restriction on Missouri is copied verbatim from this article. In 1802, Congress authorized the people of Ohio to form a constitution, "provided that the same, when formed, shall be republican, and not repugnant to the ordinance of July 13th, 1787." The act also contained other conditions, one of which was, that the United States should be at liberty, at any future period, to extend the limits of Ohio, by adding to it certain other territory therein described. These terms, together with those contained in the ordinance, were accepted by Ohio; and she was admitted into the Union "upon an equal footing," (so says the law,) "with the original States, in all respects whatever." Here, then, is a third State, with the same federal rights, but with State rights inferior to those of the original thirteen.

The next State admitted was Louisiana. By the treaty of April 30th, 1803, the province of Louisiana was ceded to the United States, "in full sovereignty," by the French Republic. By this treaty, the United States acquired an extent of territory greater than all their former possessions. The first question naturally suggested by this important fact is, whether the President and Senate had authority, under the Constitution, to make this acquisition; to purchase for the General Government, without the consent of the several States, a territory out of which twenty new States may be formed? whether, in short, they could lawfully acquire, found, and govern, an empire, without their original limits, of such vast extent that it may, in time, become more powerful than

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

the parent country itself, and eventually hold all the original members of the Republic in complete subjection? If we look to the Constitution for an answer to these inquiries, we shall find there no express authority given to any branch of the Government to purchase foreign territory. Do we know, sir, what are to be the effects of this mighty cession? Have we sufficiently reflected on the entire change, the total revolution, which this purchase has made, or will make, in all our relations, foreign and domestic, internal and exterior? To those who know the care and anxiety with which the delicate balance of the Constitution was adjusted, it will not seem probable that either the South or the North, jealous as they were of each other's influence, intended, incidentally, and without express terms, to confer on Congress a power to throw into the scales—not, indeed, the sword of the Gaul—but a territory larger than the Gaul ever conquered, or the Roman, in the height and arrogance of power, ever added to his empire.

But, if it be thus doubtful whether the General Government possesses, under the Constitution, a right, not expressly delegated, to add indefinitely to our empire, it is not, in my mind, at all doubtful, whether the President and Senate, under the treaty-making power, can purchase territory, with a stipulation compelling Congress (as it is contended we are now compelled) to admit that territory into the Union, whether they will or not.

The power to admit new States is given exclusively to Congress; but this would be virtually to transfer it to the President and Senate alone. The authors of this treaty did not so understand it. I have the best authority for saying, that one President at least, (Mr. Madison,) was of opinion, and so expressed himself at the time, that this part of the treaty could not be executed, without an amendment of the Constitution. This was, indeed, the general opinion of the best informed statesmen at that period. I will mention only two, both of them of the highest standing in the parts of the country to which they belonged. "I am free to confess," said the present Secretary of State, (Mr. Adams,) when this treaty came before the Senate in 1804, "that the third article contains engagements placing us in a dilemma, from which I see no possible mode of extricating ourselves but by an amendment, or rather an addition to the Constitution." This was said in answer to the objection that the treaty provided for the admission of the territory as a State into the Union, and was, therefore, unconstitutional. He admitted the objection, and proposed to avoid it, by an amendment of the Constitution. Mr. Taylor of Virginia, on the contrary, denied that the treaty contained any such stipulation. "The words of the treaty are," said he, "literally satisfied by incorporating them (the inhabitants) into the Union as a territory, and not as a State. The citizens of the Territories are citizens of the United States, and have all the rights of citizenship; but these do not include those political rights which arise from State governments, and which are dissimilar in different States." If it had been urged, as it now is, that Congress were bound to admit

Louisiana or Missouri without delay, and without conditions, into the Union as a State, and that whatever might be our rights under the Constitution, they were taken away by the treaty, Mr. Adams would have answered, "you have no right to admit them at all, till you have amended the Constitution;" and Mr. Taylor would have said, that "admission as a Territory was all that the treaty required." The same opinions were, on that occasion, even more strongly expressed in the House of Representatives. I refer to these high authorities, Mr. Chairman, merely to show that, in the opinion of those who negotiated, and those who ratified this treaty, it could not have been intended to confer on the people of Missouri any peculiar rights, not possessed by other Territories of the United States, and, consequently, that they stand on no better footing, in this respect, than other Territories applying for admission. Other considerations lead us to the same conclusion.

Treaties are declared by the Constitution to be "the supreme law of the land;" but they are supreme only within the limits assigned them by that instrument. There may be an unconstitutional treaty, though regularly formed and ratified, as well as an unconstitutional law, though regularly introduced and enacted: and both would be equally void, and of no binding force or effect. The power to admit new States is given, with all its incidents, to Congress, and not to the President and Senate merely. If, therefore, Louisiana was acquired on conditions which operated, in the smallest degree, to lessen, to abridge, or to vary, the Constitutional rights of Congress, with respect to her admission or rejection, with respect to the time when, or the terms upon which, she should be admitted, the treaty, so far as it attempted to interfere with the Constitutional powers of Congress on this subject, was void in itself, and could, of course, confer no new rights on Missouri. This, however, is going upon the supposition, that the treaty is inconsistent with the proposed restriction. But, if we turn to that instrument, no such inconsistency will be found. "The inhabitants of the ceded territory," says the third article, which alone relates to this subject, "shall be incorporated in the union of the United States, and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of citizens of the United States." The inhabitants then, are to be admitted "according to the principles of the Federal Constitution." If, therefore, by the Constitution, we have the right here claimed, it was not the intention of the treaty, any more than it would have been in the power of its authors, to deprive us of it. And in this point of view, also, we may lay the treaty altogether out of sight, in deciding the present question.

But let us look again, sir, to the provisions of this treaty. The inhabitants are to be admitted to all the rights, advantages, and immunities, of citizens of the United States." Now, sir, the power to hold slaves is fortunately not one of these rights, advantages, or immunities. No man can hold another in perpetual bondage by any au-

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

thority derived from the Constitution of the United States. For, if he could, then might slaves be held in New Hampshire, for example, or in any of the other free States; because "the rights, advantages, and immunities, of citizens of the United States," conferred by the Constitution are the same in every part of the Union. But, none will pretend that slaves can be held in New Hampshire, or in the other free States.

It is only in consequence of an authority derived from the laws of particular States that slaves can be held in any part of the Union. There is nothing, then, in the treaty, inconsistent with the proposed restriction, because the treaty confers only federal rights, and the power to hold slaves is confessedly not one of these rights. In consequence of the nature of our Government, every man in this country has a double relation and character to sustain; first, as a citizen of the United States, and, secondly, as a citizen of some particular State. In each of these characters he enjoys rights which, in the other, do not belong to him, and has duties to perform which the other does not impose. It is federal rights only which the General Government can confer; and, by adverting to this obvious distinction, we perceive, at once, that the proposed restriction on slavery leaves the people of Missouri in "the full enjoyment of all the rights, advantages, and immunities, of citizens of the United States." Here, then, is a literal compliance with the terms of the treaty. Its intention is equally obvious. The United States could not have intended to bind themselves to any thing inconsistent with the Constitution, for they refer expressly to it for their meaning. Nor could France have intended to secure for these people any privileges not enjoyed by other territories of the United States, or to obtain an admission for them into the Union on terms more favorable than had been granted to other territories. Now, the only territory admitted before the purchase of Louisiana was Ohio; and, in that case, this very prohibition of slavery had been imposed. France, then, if she had looked to the terms on which territories had been, and were to be, admitted, must have expected that this very measure would be adopted which we now propose. I am justified, therefore, in saying, that it violates neither the terms of the treaty nor the intention of the parties.

In 1804, the province of Louisiana was divided into two territorial governments. In 1811, Congress passed an act to enable the people of the Orleans Territory, now the State of Louisiana, to form a constitution "upon the conditions hereinafter mentioned." These conditions were numerous and important. Among other things, it was provided, that their constitution should contain the fundamental principles of civil and religious liberty; that their laws, records, and legislative and judicial proceedings should be kept in the English language; that lands belonging to citizens of the United States residing without the said State should never be taxed higher than those of residents. These and other conditions were accepted by the people of Louisiana, and by them incorporated in their constitution, and in an ordinance, which they

declared irrevocable without the consent of Congress. In 1812, they were "admitted into the Union, on an equal footing with the original States, in all respects whatever, provided," says the act, "that all the conditions and terms contained in the third section of the act of February 20th, 1811, shall be considered, deemed, and taken fundamental conditions and terms, upon which the said State is incorporated in the Union." It is impossible to believe that the "equal footing" thus spoken of could be any other than an equality of federal rights. An equality of State rights Louisiana could not possess, consistently with this act; for its conditions, which are irrevocable without the consent of Congress, must for ever prevent her from legislating on various important subjects, over which the original States have complete jurisdiction. Some of these conditions are sufficiently remarkable, and, in my opinion, such as no ingenuity can derive from any express powers given to Congress by the Constitution in relation to these particular objects. Where, for instance, are the express clauses authorizing you to make it a condition of admitting a State, that she shall establish religious freedom; that she shall use the English language in all her official acts; or that she shall not tax the lands of non-residents higher than those of residents? I know of no such clause; none such have been pointed out. No, sir; these conditions can be defended only on the ground which I have taken; namely, that Congress may admit new States upon such terms as the parties see fit mutually to adopt, provided that they leave the States, admitted, in possession of all federal rights pertaining to the old States, and do not acquire for themselves any new power to be exerted over other members of the Confederacy without their consent.

I have already, Mr. Chairman, occupied so much of your time with this branch of the inquiry, that I will only add, with respect to the remaining States, that Indiana and Illinois were admitted on conditions similar to those of Ohio; and that Mississippi and Alabama came in on the same terms, except with respect to slavery, which was unfortunately fixed on them, by the deed of cession from Georgia to the United States.

Such, sir, is the history of the formation and admission of all our new States, from Kentucky to Alabama. To each of them, the first question put, was whether they chose at that time to become a State, on the terms then proposed, which terms, if accepted, were to be irrevocable without the consent of both parties. With respect to three of these States, Ohio, Indiana, and Illinois, the very same restriction on slavery, proposed in this amendment, was made the condition of their being admitted. There is one condition (not to mention others) running through all the new States, which is too remarkable to be here omitted. It was made a condition, with all of them, that they should stipulate never to tax the lands of non-residents higher than those of residents. Sir, the right possessed by governments to impose taxes, and to proportion those taxes, according to their own sense of justice or of policy, among the individuals upon whom they are to operate, is among the highest

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

and most undoubted rights of State sovereignty. All the original States possess the right (and some of them have exercised it) of taxing the lands of non-residents higher than those of residents. Yet, eight of the new States have expressly renounced this right forever, as the condition of their being admitted into the Union. Nay, sir, the same condition is to be found in the present bill with respect to Missouri. All these States, then, have been admitted with rights inferior to those of the original thirteen. With these undeniable facts before us, we shall be at no loss what to think of the position assumed by gentlemen on the other side, and which, in fact, lies at the foundation of all their arguments, that new States, when admitted into the Union, become at once possessed of all the local or municipal rights of the original States, and are, by the act of admission, placed necessarily on an equality, in all respects, both as to State and federal rights, with the original members. Sir, such a doctrine finds no support whatever in the past history of our Government. It takes, too, for its basis, this strangest of all positions, that the act of admitting a State absolves her from all former obligations, and even from the conditions on which alone she becomes a member of our Confederacy. So true is even this last inference, that it has been actually adopted on this floor; and we have been repeatedly told, that this restriction, if accepted by Missouri, will not bind her; and that, by altering her constitution, she can at any time evade its force; in other words, that she may accept a grant upon conditions which she expressly stipulates to perform, and yet, at the same moment, may disregard or violate these conditions! If this be law or justice, if it be good faith, or sound reasoning, I know not to what conduct, or to what fallacy, these terms do not equally apply.

Having thus, Mr. Chairman, established, as I conceive, the Constitutional power of Congress to impose this restriction, the only remaining inquiry is, as to the expediency of exerting that power on this occasion. If it were not known with what ingenuity men support opinions, however extravagant, which, from interest, from prejudice, or from other motives, they may have imbibed, it would seem utterly incredible to an indifferent spectator that the expediency of extending slavery over half a continent should ever come seriously to be debated in an assembly of freemen. But such is the fact; and the policy of this measure, as well as its constitutionality, is denied.

And here, sir, in the very front ground of this inquiry, as to the expediency of this restriction, I place at once the injustice of slavery; and, in reply to all that can be said in favor of its extension, I find an unanswerable argument in that great maxim of universal morality, that what is morally wrong can never be politically right. We think of slavery, sir, as if it were an evil merely, and seem almost to forget that it is also a crime; and that outrages every principle of justice and of humanity, and can rest for its defence on no grounds which do not equally support the tyrant on his throne, and the despot in his most wanton abuse of power. For what can the tyrant do more than

make slaves of men? And what can the despot wish more abject than the submission of hereditary bondsmen? When I am told, then, that it is expedient to extend slavery to Missouri, I answer, that slavery is, in itself, by the laws of God and of nature, a moral offence; an act of tyranny and of injustice, and, therefore, that it cannot be wise or expedient; because sound policy and true wisdom are never inconsistent with the just and equal rights of man. On this subject, sir, let me not be misunderstood. Though slavery is in itself unjust, I do not thence accuse all slaveholders of injustice. I am willing to believe, that the toleration of slavery in the Southern States, where it has already taken deep root, is not unjust with respect to them; because it is not in their power at once to remove or avoid this great moral evil. I am willing to believe, with the gentleman from Pennsylvania (Mr. HEMPHILL,) that a present qualified right may, in this instance, have grown out of an original wrong. The stream, dark and turbid in its fountain, may yet run clear as it wanders down the valley. But what is it, sir, that can thus purify even slavery from its original injustice? I answer, the necessity of the case. It is not, however, interest, convenience, ease, or comfort, under the name of necessity; but a real, dire, uncontrollable, and most fatal necessity, which can alone render it just for one man to deprive another, by the strong arm of power, of the inalienable right of freedom. I am willing to believe, that this necessity exists in the present slaveholding States: at any rate, I have no inclination, as I have no right, to inquire whether it does or not. But I cannot believe, because it is not even pretended, that this necessity exists in Missouri. Slavery has hardly yet taken root in that fruitful soil; and, therefore, what is to be tolerated in the old States, only because it cannot there be avoided, is unnecessary, and of course criminal, in Missouri; criminal alike in those who establish it, and in those who, having the power to prevent, yet suffer it to be established there. I should enlarge, sir, upon this topic, but I perceive that it is one which excites no very pleasant feelings in our Southern brethren; and I am driven from it by the stern tones and the repulsive gesture with which the honorable Speaker (Mr. CLAY) has warned us not to obtrude upon him with our New England notions. Sir, what are these notions? Liberty, equality, the rights of man. These are the notions which, if we cherish, we must cherish in secret—which, if we entertain, we must entertain by ourselves. These are the notions which we must cast aside when we leave our own happy homes, and which, if by chance they find their way into this hall, are to be repelled with the charge of folly, of fanaticism, of a negrophobia. Sir, if there be any madness in this case, it is the madness of those who hug slavery to their bosoms; if there be any infatuation, it is the infatuation of those who are willing to dissolve the Union, rather than not extend this pestiferous institution beyond the Mississippi. But I forbear to press further this branch of the inquiry, and withdraw from it with repeating my remark, that, what is unjust, must, for

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

that reason alone, if for no other, be inexpedient. But, the injustice of slavery is not the only reason against its further extension. It is as prejudicial to the country, as it is unjust towards its victims. There is no branch of useful labor which is not better performed, and at less expense, by freemen than by slaves. Agriculture, commerce, and manufactures, are the three great sources of national wealth. With respect to manufactures, they can hardly be said to exist in countries where slavery prevails to any great extent. The great manufacturing establishments of this country are almost exclusively confined to the non-slaveholding States.

Of the injurious effects of slavery on commerce, not a word need be said. Who ever heard of a mercantile people engaging in the pursuits of commerce with the labor of servile hands?—We accordingly find that the commerce and navigation of the United States belong principally to the non-slaveholding States; and that the hardy seamen who have borne your naval thunders in triumph over every sea, and planted the stars of your Union in a sphere of glory, whence no earthly power can ever pluck them down, were not only freemen themselves, but born and nurtured in a land where slavery is unknown.

It is indeed conceded on all hands that the slaveholding States are not extensively engaged in commerce or manufactures; but it is said they are an agricultural people, and that to this their whole attention is directed. But, sir, with what success? The labor of slaves, though it costs nothing beyond their subsistence, is in effect the dearest and least profitable of all kinds of labor. Feeling no other motive than the fear of punishment, they labor slowly and with great reluctance, and seek only how they may escape with the least possible exertion from their daily, and to them, unprofitable tasks. That strongest of all principles implanted in the breast of man—the desire and the hope of improving his condition—lightens care, and renders toil sweet to him who is cheered with the constant reflection that he labors for himself, and not for a master. Give such a man the fee simple of a barren rock, and he will cover it with verdure; plant him in a desert, and fertility will spring around him. Convenience and content are the companions of his toil, and wealth follows in the train of industrious freedom. On the contrary, the slave and his task-master, placed in a land flowing with milk and honey, would convert even the garden of Eden into a desert and a waste. Whether this be truth or fiction, I appeal to those to say who have surveyed and compared the varying aspects of our common country, from Maine to Georgia, in reference to this particular object. It would be easy for me to produce the highest authorities in support of my opinion, from among the first men in the slaveholding States. The sentiments of Mr. Jefferson are well known, and have been already quoted in this debate. Those which I am about to read to the Committee are from another distinguished slaveholder, who states, in language stronger than I should have dared to use, facts which no one has denied, and which I may

therefore be pardoned for repeating after him. General Harper says:

“No person who has seen the slaveholding States and those where slavery does not exist, and has compared ever so slightly their condition and situation, can have failed to be struck with the vast difference in favor of the latter.” “In population; in the general diffusion of wealth and comfort; in public and private improvements; in the education, manners, and mode of life, of the middle and laboring classes; in the face of the country; in roads, bridges, and inns; in schools and churches; in the general advancement of improvement and prosperity,—there is no comparison. The change is seen the instant you cross the line which separates the country where there are slaves from that where there are none. Whence does this arise? I answer, from this—that in one division of the country the land is cultivated by freemen, for their own benefit; and in the other almost entirely by slaves, for the benefit of their masters.”

Sir, this is the testimony of a slaveholder, who states, not *opinions* which he may entertain, but *facts* which have forced themselves upon his observation—facts which you and I, and every member of this House, have equally witnessed. If then such are the acknowledged effects of slavery wherever it exists, can it be expedient to extend these evils to the people of Missouri? No, sir. With the economy, the industry, the equal distribution of property, which prevails in free States, the South would present an aspect altogether different, and would become in every respect more prosperous and more powerful than it can ever hope to be while its generous soil yields its produce only to the reluctant and unhallowed labor of servile hands.

If, from the cultivation of the soil, we turn our attention to its means of defence, we shall find slavery equally unfavorable to the military strength, as to the wealth and improvement of the country. The space which should be occupied by freemen is filled with slaves, and from them your armies draw no recruits. But this is not all: these slaves are an oppressed race, ever ready to break out in open rebellion against their masters, and most ready, and most likely to do so, when a foreign enemy presses hardest upon the country—so that, when our whole military strength is required for defence against a foreign invader, no inconsiderable portion of your most effective force must be employed against this domestic foe, to awe into subjection the slaves within your borders. This source of weakness must increase as slavery extends, and become more dangerous in every succeeding war. It is a fact, well established, that the greater part of our regular troops, during the Revolution, were drawn from the non-slaveholding States. If any further proof were required of this, we need only refer to the statement of the number of Revolutionary pensioners laid this morning upon our tables. They amount to something more than sixteen thousand; and of these nearly thirteen thousand are from States where slavery is not established. If they are to be taken as any criterion of the whole number in service from different parts of the country, the free States must have furnished

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

by far the greatest number of regular troops during that eventful period. I have been told by the venerable gentleman from Pennsylvania, (Mr. FOREST,) who was himself an actor in the scene, that at the siege of York, in the heart of Virginia, there were not four hundred Virginia troops, exclusive of militia, present at the surrender of Cornwallis. Sir, the history of the late war brings us to the same conclusion. With more than one-half of the people of New England opposed to that war, we, sir, the Republicans of the North, furnished more recruits to your regular army than any other portion of the country of equal extent. For the truth of this statement I refer you to the returns in the War Office. I shall ever be the first to acknowledge, that the soldiers of the South and the West are as brave, as generous, and as patriotic, as those of any other portion of the Union. But the experience of all our wars proves that, though capable of great exertions as volunteers and militiamen, when employed for a short time on a particular service, the inhabitants of the slaveholding States do not furnish the country, either in war or in peace, with many regular soldiers.

I am aware, sir, that the topics to which I have here alluded are of a delicate nature; and I should not have adverted to this view of the subject, conclusive as it is against the extension of slavery, but to repel an assertion, often made in this debate, that, whatever may be the evils of slavery, they are confined exclusively to the slaveholding States, and are, therefore, no concern of ours. Is it nothing to us, that, in more than half the Union, a state of things exists unfavorable to commerce, to manufactures, to agricultural improvements, and which abstracts materially from the military strength and defence of our common country? And is it nothing to us, whether our new confederates bring freedom or slavery, strength or weakness, with them into our Union? This, then, is the interest, deep and lasting, which we have in the present question; and this the motive, just and honorable, which we feel, in urging with ardor the adoption of a measure calculated, as we believe, to promote all the great objects for which the Government itself was at first established.

A gentleman from Virginia (Mr. RANDOLPH) has told us, that all the misfortunes of his life (they have, he says, been neither few nor inconsiderable) are light in the balance, when compared with the single misfortune of having been born the master of slaves. Sir, of the truth of this remark I have not the slightest doubt. It is one of the peculiar evils of this connexion, that it is alike injurious to the master and to the slave—that the one can no more avoid, than the other dares avow, or avenge the mutual misfortune and injustice of their several lots. Knowing this, and feeling daily the misery and the dangers of slavery, it is surely something more than strange, it is all but incredible, that the slaveholding States should yet wish to entail on the country west of the Mississippi this tremendous calamity. Such was not formerly the state of public feeling on this subject; on the contrary, the desire to contract the limits within which slavery might exist, was the predominant sentiment

with the fathers of the Revolution, whether from the North or from the South. The ordinance of 1787 received the support of the Southern States; and the restriction on slavery, contained in its sixth article, was introduced on the motion of Virginia. We have now acquired another Territory, even more extensive than the Northwest. We wish to pursue toward it the same policy, and impose upon it the same restriction; but we find no longer a like support from the slaveholding States. The Jeffersons of the present day, if any such there be, are no longer heard to describe slavery as a crime; there is no longer a Patrick Henry in the South, to denounce it as inconsistent with christianity; no Tucker to refute, with irrefragable arguments, the miserable sophistry of its advocates; and as for the Grayson of our times, it is to my friend from New York, (Mr. TAYLOR,) the mover of this amendment, and not to any son of the South, that this humble cognomen must now be applied. All we ask of the South is, that they would do for Missouri what they have already done for Ohio, Indiana, and Illinois. We say to them, if you cannot remove slavery from among yourselves, do not extend it to others; let it suffice for your justification, that you lament its existence, that you load with execrations the memory of those by whom it was fixed upon you; but do not subject yourselves to the same censure from the people of Missouri in every succeeding age. Your condemnation will indeed be greater than that of your fathers. To them the possession of slaves might, perhaps, have appeared an advantage, but with you, who have tried it, there can be no such delusion.

And who, sir, is to suffer by this measure? Not the free States. It is a point conceded, that they will gain by this restriction. Will the people of Missouri, then, be injured by it? The Speaker (Mr. CLAY) has told us, that, if asked his opinion by the people of Missouri, he would advise them not to establish slavery among them. The same has been said by others opposed to this restriction. The question of expediency, then, is abandoned, as to the free States, and as to the people of Missouri. They will both gain by this restriction. But it is said that the old slaveholding States will be injured by it, and that the country west of the Mississippi is necessary as an outlet for their redundant slave population. Slavery, it is said, becomes less dangerous by being more widely diffused. It is, we are told, a poison which, though deadly in itself, may be weakened, and diluted, and rendered less fatal, by dividing it amongst a number, and giving to each a smaller portion. If this were indeed the case, it would even then be ungenerous and unjust in us to seek relief in our sufferings at the expense of others, or to extend to our brethren (though they may be willing to share with us) the bitter ingredients of our own poisoned chalice. But, sir, this metaphor is inapplicable to the present case; and, if we must indulge in comparisons, I would rather liken slavery to some noxious plant—to some poison tree—the Bohon-Upas, if you will. And what are we now called upon to do? To lay the axe to the root of this deadly tree? No, sir; but to lop its excrescences

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

merely, to prune its too exuberant growth, and to transfer to the fertile regions of the West new scions from the parent stock, there to flourish and increase in rank luxuriance, till their fatal branches shall overshadow and darken all the land. Never was hope more fallacious than that of lessening, permanently, the evils of slavery in the old States, by extending them to the new. The evil is, that we have already a million and a half of slaves; and the remedy proposed is to double their number. Our present misfortune is, that we have eleven slaveholding States; and we hope to alleviate this misfortune by creating as many more! It is, indeed, the hope of desperation; it is drinking for the dropsy; it is the relief, short and fatal, which the involved debtor finds in new loans upon usurious interest, which remove misfortunes for a time, that they may return again, as they are sure to do, with accumulated force upon their unhappy victim.

But we are told if this restriction is imposed it will not lessen the number of slaves in the United States, and that this is not, therefore, a question respecting the increase or diminution of slavery. Sir, I affirm that this is the precise question now to be decided. A new and extensive country is about to be settled; and it is for us to say whether it shall be inhabited by freemen or by slaves. In a few generations at the furthest, it must be filled with the one or the other; and will it be pretended that, with twenty slaveholding States, we shall then have no more slaves in them all than we should have in ten? Suppose there were but one, would there be as many slaves in Maryland, for instance, as in all the South and West? It cannot be believed. This is, then, a question of the increase of slavery.

All history proves that emigration does not, for any considerable time, diminish the number of inhabitants in the country which they leave. The stream flows, but is not exhausted; it overflows, but its banks are still full, and not the less so for what they have discharged. For two hundred years the tide of emigration has been constantly setting, with a steady current, from the old to the new world; yet no one believes that Europe is less populous now than she would have been if America had never been discovered. On the contrary, her inhabitants never doubled their numbers, within such short terms, as since the discovery of this country. In Spain, it has been often remarked, that the provinces which sent forth the most emigrants to America were, at the same time, the best peopled. The same is true of Ireland. The oppression of her rulers has driven her sons to seek an asylum in every quarter of the globe; yet no part of the British dominions in Europe has increased so fast in inhabitants for the last hundred years as Ireland. We see the same principle of population exemplified among ourselves. From New England have proceeded those hardy adventurers who have filled all the north-western States; who have settled a large portion of New York; and who are, in short, to be found in every State, and, I may almost say, in every county in the Union. Yet New England, though

constantly pouring forth such swarms of emigrants, is at the same time the most populous and best settled part of our country. In short, sir, a moderate and steady emigration from old to new countries is the surest possible method of increasing the number of inhabitants in the old and new combined, if not, as I believe, in each by itself. Take the case of slaves in our own country. The States of Georgia, Kentucky, Tennessee, Mississippi, and Alabama, have been supplied with slaves principally from Maryland, Virginia, and the two Carolinas. Yet the slaves have, in the meantime, increased in these latter States faster than the whites. Is not this a most instructive and alarming fact? And must we not infer that their further extension will be attended with a still more rapid increase?

Look, sir, at the country from whence, for two hundred years, these unhappy victims have been wafted to your shores, till the new world, the continent, and the isles, has become almost a second Africa, covered and cursed with the same sable race. Yet never, since the commencement of the slave trade, has Africa been more populous than she is at the present day. There, as here, slaves have been constantly in demand; there, as here, they have been a profitable article in market; there to be produced, here to be employed. Sir, there is something dreadful in the idea of making human flesh the object of human traffic; but, when it is so considered, the ordinary rules of trade apply equally to this as to other branches of commerce; and we all know that supply and demand, in the mercantile world, must always, for any given length of time, correspond very nearly with each other. If, then, there is a demand for slaves in the United States, that demand will be supplied. And will slavery be less an evil, or slaves be more easily managed, when you have five millions, than now that you have only one or two? When you have twenty, than now that you have eleven slaveholding States? No, sir; time, instead of removing, constantly aggravates the evils of slavery wherever it exists. As well might you hope to save your own house in flames, by setting fire to your neighbor's; to remove disease already contracted, by infecting others with your disorder; in a word, to avoid any other misfortune, by involving all your friends in the same calamity, as hope to escape the plague of slavery by extending it to the States west of the Mississippi. This, then, is my conclusion: the slaveholding States will eventually suffer nothing by this restriction; the people of Missouri will gain every thing by it; and the free States, it is universally acknowledged, are most deeply interested in its success.

Let us examine this measure, Mr. Chairman, in another point of view. We are all united in our detestation of the slave trade. Gentlemen from the South and the Southwest seem, indeed, emulous of each others' eloquence, in denouncing this disgraceful traffic. But, what is it, sir, that constitutes the guilt and the cruelty of the slave trade? I answer, it is the breach of every tender and every domestic tie—the separation of parents from their children, of husbands from their wives,

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

and of friends and connexions from those with whom, from infancy, they have been united; it is this: it is carrying them strangers to a strange land—which constitutes the bitter pill in the cup of slavery. And yet all this, and worse, occurs in the domestic slave trade, carried on, for many years past, to a very great extent, between Delaware, Maryland, and Virginia, on the one hand, and the slaveholding States further South and West, on the other. It may well be doubted whether the African, poor and ignorant, and oppressed in his native country, suffers more by becoming a slave in Maryland and Virginia, than the native black, not always a slave, does, by being transported from this temperate climate, and the mild usage he may here receive, to toil and perish in the rice fields of Georgia, in the cypress swamps of Louisiana, or in turning up new grounds, and piercing the deep forests, the interminable wilderness of Mississippi and Alabama, or the yet more remote prairies of the Missouri and the Kansas. We have already established a slave trade at home, among ourselves, carried on even here, under the eye of power, in this seat and centre of federal authority, and within sight of this legislative hall; and it is, Mr. Chairman, among the questions involved in this restriction, whether this domestic slave trade shall be increased to a tenfold extent, by creating an insatiable demand for slaves beyond the Mississippi; or whether, by confining slavery within its present limits, this disgraceful traffic ceasing to be profitable, shall likewise cease to exist?

Nor is this measure less important in reference to the foreign slave trade. It is certain that many slaves are annually smuggled into the United States in direct violation of our laws. We have, indeed, been told that their number is small; and the Speaker (MR. CLAY) has exhibited to us a statement of some three or four hundred slaves, reported to the Government as having been illicitly introduced. But, does he suppose that this is all? or would he have us infer from this statement, that the slave smugglers regularly inform the Government of their criminal proceedings? No, sir; of the unhappy beings, thus in violation of all laws transported to our shores, and thrown by force into the mass of our black population, scarcely one in a hundred is ever detected by the officers of the General Government, in a part of the country, where, if we are to believe the statement of Governor Rabun, "an officer who would perform his duty, by attempting to enforce the law, (against the slave trade) is, by many, considered as an officious meddler, and treated with derision and contempt;" treated with derision and contempt, sir, for endeavoring to restrain the slave trade! And this is the testimony of the Governor of Georgia, with respect to the people of his own State. I have been told by a gentleman, who has attended particularly to this subject, that ten thousand slaves were in one year smuggled into the United States; and that, even for the last year, we must count the number not by hundreds, but by thousands. If this be true, is even the foreign slave trade abolished amongst us? Our laws declare that it is; but our

conduct is in opposition to those laws. We prohibit the slave trade, and yet daily create new demands for slaves; thus, holding out the strongest inducements to violate our own laws. All the armies of Napoleon could not prevent the introduction and use of British goods on the Continent of Europe. And why not, sir? Because those goods were cheap at Dover, and dear at Calais. No more can your laws and your fleets prevent the introduction of slaves in the United States, while those slaves are cheap in Cuba, and dear at New Orleans. If you would destroy the slave trade, begin with shutting up the slave markets which you have opened beyond the Mississippi. If you will not do this, repeal your laws against the slave trade altogether; and do not compel the dealer in human flesh to add to the many crimes which he must daily commit, the needless one of violating your laws, since you mean not that those laws shall be enforced. Sir, there is no one who hears me that would not revolt at such a course; and yet this also is one of the questions we have to decide, whether we shall discountenance the slave trade or do all in our power, short of repealing our laws against it, to extend its range, by creating a new demand for slaves in the West.

But, say gentlemen on the other side, Missouri will not submit to your restriction. Are you statesmen, says the Speaker, and have you not looked forward to consequences? Suppose Missouri resists, what are to be your ulterior measures? Sir, this objection, like many others urged in this debate, is, in my opinion, founded upon a misapprehension of the character and the consequences of this measure. The law we are about to pass, is not an ordinary act of legislation. It is not an authority vested in the Executive, to be enforced by him, like other laws, with the arm of the civil, and, if necessary, of the military power. The people of Missouri, when met in convention, may determine that it is inexpedient for them, at this time, and upon these terms, to become a State; and if they do so determine, there is, as I have already shown, an end of our present act. This single fact, which no one will deny, appears to me to furnish a conclusive answer to all that has been said on this part of the subject. It proves at once the true nature of this transaction, which is, in effect, nothing more than a proposition to treat with Missouri, as to her admission into the Union. This act contains our first proposals; if they are rejected by Missouri (and she has a perfect right to reject any or all of them) we may then propose any other terms, more or less favorable to her, provided they are not inconsistent with the Constitutional limitations which I have already noticed.

But, we are told Missouri will form a constitution for herself, and demand admission, and that we dare not refuse her. It is a sufficient answer to this threat of consequences, to say, that Missouri has no right to do so; that she is a Territory, and can never become a State without our consent. But she will throw off her allegiance, and erect an independent government of her own. And has it come to this? And are we in such want of new confederates, that we must abandon

our just rights for fear of giving offence to our foreign Territories? Are the good old thirteen, who in their infancy would brook no insult, even from the parent State, already reduced so low as to be threatened with disunion by a people of whose existence they are hardly yet informed? Is this the orphan of the West, described by the gentleman from Massachusetts (Mr. HOLMES) as coming by the way of the wilderness, with her locks wet with the dews of night, asking shelter and seeking protection beneath the arm of our power? Or is it rather an armed warrior, knocking, sword in hand, at our gate, and threatening fiercely to demolish the portal if not instantly thrown open, that he may enter? We have been told by the Speaker that the people of Missouri are ready to shoulder their muskets, to march *en masse*, and force their way into this hall. Sir, if this be indeed so, it is time to barricade the doors. If it be an enemy that is advancing, let us bar our gates, and prepare for our defence; and for doing this, too, there is more and better reason, if within the fortress itself there be those who would throw down the barriers and welcome in the invader.

But, not only will Missouri revolt from our authority: the slaveholding States will join with her, and, if this restriction passes, the Union will be dissolved. Such, sir, is the language which I have heard, with infinite regret, upon this floor, not from two or three members merely, but from almost all those who have spoken against this amendment. In my mind, Mr. Chairman, there would be much more of terror in this threat, (or, if a milder term be preferred,) in this prediction, of disunion, if it were now for the first time employed. But it has been often used before. The first threats of disunion which I now remember in our history came from Kentucky, where, some thirty years ago, certain persons threatened to join the Spaniards of Louisiana if their wishes were not granted. It is not now thought, I believe, that there was much real danger to the Union in that case. In 1798-9, the Union was again said to be in danger. The sound then came from Virginia, and was loudly echoed back by her daughter of the West. Yet no division followed. I, for one, applaud, sir, the Constitutional opposition which Virginia then made to certain measures of the General Government; but I at the same time as decidedly condemn the threats of disunion, and those ulterior designs of armed resistance, which some ardent minds were supposed then to entertain. In 1814-15 disunion was again threatened; and I am sorry to say that the threat then came from the North. But mark the result. When the people of New England began to suspect that certain leading men among them were in favor of a dissolution of the Union, they abandoned those leaders. The great body even of the Federalists said, we disapprove of the war, indeed, but you mistake us altogether if you think us unfriendly to the Union, or that we wish to destroy the Constitution. The idea of a division of the States met nowhere with more pointed disapprobation than in New England; and I hazard nothing in saying, that if armed resistance to the laws had, even in the dark-

est period of the late war, been attempted amongst us, we sir, the republicans of the North, without aid from our Southern brethren, should at once have put down insurrection, and by our own strength alone driven treason and rebellion out of the land. But the enemies of the Government did not dare to go the length of open resistance.

In the same manner, I have no doubt that a convention in the South, having for its object the extension of slavery to Missouri, would be equally unsuccessful as the convention at the North. Our malcontents, whatever might have been their real objects, had some popular topics to urge: they were the friends of commerce and of peace—objects dear to every wise and enlightened mind. But what would the founders of the Southern and Western empire have to urge in their defence? Why, sir, the author of their new declaration of independence would have to say, not as our fathers said against the King of England, that the slave trade had been continued contrary to their wishes, but that Congress had endeavored to restrain slavery within its ancient limits; that it had proposed its inhibition to Missouri, and therefore that they, the South and the West, no longer owed allegiance to the Union. Believe me, sir, this will not be their course. I think too well of them to believe that, in such a cause, they would resort to arms against their brethren. If, unhappily, a dissolution of the Union should ever take place, it will not be for the sake of extending slavery beyond the Mississippi. If the Southern and Western States should ever abandon the stars and stripes of our national Union, it will not be to unfurl for themselves a standard bearing on its field a slave manacled. No, sir, this is not a cause in which to enlist the feelings of a generous and enlightened people, such as I esteem them to be. They may, indeed, think the course we are pursuing impolitic and unwise, but they are not prepared, with armed force, to resist the measures of Congress, and, least of all, when those measures have for their object the diminution of slavery, the extension of freedom, and the secure enjoyment of the equal rights of man. When, therefore, disunion is predicted as the consequence of our measures, I listen to it with regret, indeed, but also with incredulity; and therefore without dismay. Sir, our Confederacy is not so easily destroyed; it is cemented by the mutual interests of all its members; and the understandings, the affections, and the hearts, of the people are knit together in one common bond of indissoluble union.

Much has been said, Mr. Chairman, in this debate, respecting the motives of the friends of this restriction; and an appeal has been made to vulgar prejudices by calling it a federal measure, as if its merits could depend upon its authors. Yet I am willing to try it even by this test, since it is well known that it originated with Republicans; that it is supported by Republicans throughout the free States; and that the Federalists of the South are its warm opponents. The question, then, is not between Federalists and Republicans, but between slaveholders and those who hold no slaves. It is a knowledge of this fact which has induced

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

the free States, usually so much divided among themselves, to advance on this occasion with so much ardor and unanimity to the attainment of their object. And well might they, in such a cause, throw aside their local jealousies, their petty feuds, and their temporary strifes, when the best hopes of man are all involved in the issue; when the lasting prosperity of the Union is at stake, and their own peculiar interests all cast upon the die. With us, disunion would be suicide; for we stand here merely on the defensive; and most untruly and unjustly is it said, that we are seeking to injure or degrade the Southern States, while we wish only to defend ourselves. Whether with or without slaves, Missouri will still be a Southern State—Southern in her position, in her character, in her interests, and in her political connexions. To all this we have nothing to object. We only wish that she should not be a slaveholding State. It is not Southern influence or Southern representation to which we are unfriendly—but slave influence and slave representation which we wish to confine within the limits of the present States, and, in so doing, we only fulfil the wishes and expectations of the people, when the Constitution itself was first adopted.

If we look back to the debates of the State conventions, we shall find that the Constitution was universally considered as leading to the gradual abolition of slavery, even in the old States, and as furnishing no excuse for its extension to the new. Of this fact it would be easy to produce the fullest proof. In Massachusetts convention, Judge Dawes said, in defending the Constitution even for tolerating slavery, "the convention did all they could in this case; and we may say that, though slavery is not smitten by an apoplexy, yet it has received a deadly wound, and will die of consumption." What, sir, would have been the astonishment of men who adopted the Constitution under this belief, if they had been told that, within the first generation, slavery would extend over twice its ancient limits, and that, instead of being smitten by an apoplexy, or dying of a consumption, it was to receive fresh strength under the new Government, and have infused into it, by this very Constitution, new life and vigor? "The migration and importation," said General Heath, in the same assembly, "is confined to the States now existing only; new States cannot claim it. But whether those in slavery, in the Southern States, will be emancipated after 1808, I do not pretend to determine—I rather doubt it." An opinion it seems prevailed, that Congress might abolish slavery, even there, after 1808; this he rather doubted, but said that slavery could not be extended to the new States. No one can read these debates without perceiving, that the Constitution would never have been adopted in Massachusetts, had it not been considered as unfavorable to slavery, even within its ancient limits! The same may be said of all the New England States. The like sentiments were also expressed in the New York convention and were urged with equal confidence in Pennsylvania. "The new States," said Judge Wilson, who was himself one of the framers of the Constitution,

"will be under the control of Congress in this particular, and slaves will never be introduced among them." "Yet a few years," he adds, "and Congress will have the power to exterminate slavery from within our borders." We find the same opinions expressed even in the slaveholding States: "There is no clause," said George Mason, in the Virginia convention, "that will prevent the Northern and Eastern States from meddling with our whole property of this kind." Patrick Henry went even further—"Congress," said he, "may liberate every one of your slaves, if they please. They have the power in clear unequivocal terms, and will clearly and certainly exercise it."

It is surely unnecessary to quote further authorities. I have not produced these, as containing my own views of the Constitution; for, in some respects, they are certainly incorrect; but merely to show, what the whole history of the times proves, that the framers of the Constitution, and those by whom it was adopted, both its friends and its enemies, in every part of the country, considered it as leading gradually to the abolition of slavery in the old States, and as guarding effectually against its introduction into the new States. In proposing the present measure, then, we are only doing what was expected from us by the founders of our Republic; and it is, therefore, not on us, but on our opponents, that the imputation rests, of introducing new and alarming doctrines, unknown to our fathers, and unsanctioned by the Constitution. The free States, sir, would never have come into this Union, had they supposed it possible that, within the first generation, they would become a minority in the Government. There wants but one, on the other side, to make them so at present in the Senate; and, at this moment, the representation of slaves alone, on this floor, exclusive of the whites, exceeds in number, and, on this very question, out-votes all the Representatives from six out of eleven of the non-slaveholding States.

Feeling the weight of this slave representation, and knowing with what fatal activity it increases, is it strange that the free States, believing they possess authority under the Constitution, should wish to prevent its existence in States hereafter to be admitted, as they have already prevented it in Ohio, Indiana, and Illinois? No, sir, in such a cause it would be strange indeed if the best hearts and the best minds of our country, its wisdom and its virtue, were not all engaged on this occasion. Nor, in truth, have the free States been wanting to themselves on this great day of their trial; and if we, their representatives on this floor, have but firmness to perform, painful as it may be, the duties of our station, all will be well with them—all will yet be well, if we are but true to our constituents, and true to ourselves. And, what, let me ask, have we seen or heard, on this occasion, that we, above all others, should shrink from this duty, or hesitate and falter in its performance? Is it the conduct of the Senate in connecting Maine with Missouri; or the declaration that, in future, no free State shall be admitted till a slaveholding State can be found to form a balance to it in the Senate?

Is it the doctrine, now advanced, that, instead of three-fifths, all the slaves ought to be represented? Or is it the assertion, that slavery is the natural state of man, and that slaves are happier than their masters; or, at any rate, that their condition is better than that of soldiers and seamen; and that slavery is not only established in practice among all nations, but is agreeable to the laws of nature, and expressly sanctioned by our religion? Are these the arguments by which we are to be persuaded to forego our just rights on this occasion? Sir, on my mind they produce an effect directly the reverse of that intended by their authors.

When I hear slavery in the Southern States lamented as an evil, which they cannot immediately remove, I acquiesce in the justice of this defence. But when gentlemen go further, and not merely excuse slavery, but pronounce its eulogium; when they tell us that, however bad it may be for the slave, it is no injury to the master; that he gains by it, that his ease and convenience are promoted, and, therefore, that it ought not to be touched, I tremble for the stability of our republican institutions. For on what does this defence of slavery, in the abstract, rest, but on this—that by the decrees of providence, one man is born to labor, and another to enjoy the fruits of that labor; that one is born with a right to govern, and another bound to obey; the one a master, the other a slave? And what is this but the very essence of kingly government—the doctrine of tyrants, in every age—the enormous faith of millions made for one.”

These, then, are the motives of our conduct: we find slavery unjust in itself; adverse to all the great branches of national industry; a source of danger in time of war; repugnant to the first principles of our Republican Government; and, in all these ways, extending its injurious effects to the States where its existence is not even tolerated. We believe that we possess, under the Constitution, the power necessary to arrest the further progress of this great and acknowledged evil; and the measure now proposed is the joint result of all these motives, acting upon this belief, and guided by our most mature judgments and our best reflections. As such, we present it to the people of Missouri, in the firm persuasion that we shall be found, in the end, to have consulted their wishes not less than their interests by this measure. For what, sir, is Missouri? Not the comparatively few inhabitants who now possess the country; but a State, large and powerful, capable of containing, and destined, I trust, to contain half a million of virtuous and intelligent freemen. It is to their wishes and their interest that I look, and not to the temporary blindness or the lamentable delusions of the present moment. If this restriction is imposed, in twenty years we shall have the people of Missouri thanking us for the measure, as Ohio, Indiana, and Illinois now thank the Old Congress for the ordinance of 1787. The existence of a State is not limited to a single generation. Its inhabitants, yet unborn, have claims upon our wisdom and our care; and it is for us to determine what shall be their character and their fortunes. It is in the first formation of societies

alone, that individuals have any considerable influence upon governments; and that few persons have it sometimes in their power to fix the permanent character and enduring policy of States and nations; to say whether their institutions shall be free or slavish, framed for the benefit of a few, or securing equal rights to all. But, after a government is once formed, and the institutions of the country become fairly settled, though at first but the mere creatures of man's power, they act, in turn, as the masters of his will; and form and fashion, to their own likeness, the national character of the people. Never was this remark more applicable than to the present case. It is in our power, by a single act, to determine the character and the policy of Missouri in this important subject, connected, as it is, with so many others, for all succeeding times; and to say, whether the people whom we admit into our Union shall bring to it a system of equal rights, extending the blessings of freedom alike to all, or introduce with them an odious monopoly of power and of wealth, unjust to its victims, and injurious to its authors. As we may this day decide, posterity will bless us for laying broad and deep the foundations of an equal government, or load our memories with the malediction of ages, for mistaking or neglecting their interests, and forging chains for them, which we, the freemen of America, disdained ourselves to wear. It is not often that legislators have it in their power to do so much good, or inflict so much evil on mankind; and fortunate indeed will be our lots, if we are but found equal to the glorious task—if we are but wise, according to the measure of our duties, and firm and faithful to the end, in the discharge of this mighty trust.

Mr. EDWARDS, of Connecticut, spoke as follows:

Mr. Chairman: After the very able discussion this subject has undergone, it may be considered an evidence of vanity for me to suppose I shall be able to communicate any thing new. But there are some views in which this subject has presented itself to my mind, which I do not recollect, as yet, to have heard distinctly stated. If I should be unable to add any thing to the stock of information, the importance of the subject and its interesting nature will be a sufficient apology for my occupying a small portion of the time of the Committee.

This subject is important, not only on account of its effects upon the future prosperity and welfare of the nation, but on account of the extreme interest felt in it by almost every portion of this community. The local and sectional feelings involved in this question are, of themselves, sufficient to attach to it no ordinary degree of importance. This is, perhaps, the first instance in which a question has arisen, since the organization of our Government, where the division of sentiment could be traced on the map of our country.

The first subject presented for our consideration is the constitutionality of the proposed amendment. Several parts of the Constitution have been resorted to. I shall avail myself of one only, not because this is the only part which has a bearing upon this subject, but because this is sufficient; a resort to any other is unnecessary; and there are

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

some expressions in that instrument upon which the charges have been so often rung, in the course of this discussion, that the sound of them has become unpleasant to me, and I presume it is so to every member of this Committee.

By the Constitution, Congress is vested with the power of admitting new States into this Union. This vests Congress not merely with the power of admission, but gives them the power of doing all acts necessary to carry this power into effect. This, it is presumed, will not be denied; it has not yet been, and, until it is, I shall consider it as admitted. It also vests Congress with the power of doing all acts necessary to execute this power, in such a manner as will effect the object for which the power was granted. The latter proposition is considered equally evident with the first. No one would doubt, in a case of this kind in the ordinary concerns of life, (and there can be no reason why there should be any doubt in this,) the principles which govern both instances are the same. Where the manner of doing a thing is not pointed out, it is left to the discretion of the person or body authorized to act, and the only rule by which their conduct is or can be regulated is, the object for which the power of acting was conferred.

To ascertain the object for which the power of admitting new States was vested, we must resort to the preamble of the Constitution. The objects contemplated by the framers of that instrument, and by the people of the United States, are there specified; it is unnecessary to recapitulate the whole; they are, perhaps, all embraced and included in this one, the promotion of the "general welfare." It is not claimed by me that this preamble confers power; I consider it merely as a direction as to the manner in which the powers conferred in the instrument are to be exercised. The preamble, perhaps, expresses nothing more than would have been implied without it. But the wise men who framed that instrument have relieved us from the necessity of resorting to implication.

I ask, whose welfare is here contemplated? To this only one answer can be given: the welfare of those who framed and adopted this instrument—the welfare of the parties to the Confederation. We are not, nor have we ever been, Quixotes in the cause of liberty. We wish well to the human race, but hitherto have deemed it sufficient to take care of ourselves, and leave other nations to take care of themselves. Notwithstanding, in the course of this discussion, we have been reminded of France, and of the horrors which in that country, resulted from the doctrines of liberty and equality; and it has been intimated that we are pursuing the same course, and that it may lead to as desperate results. I humbly conceive the charge and the prediction are equally groundless. The fervor of revolution with us is past. Liberty is not to us a new theme; it did not, even in the infancy and extreme youth of our nation, so fire our brain as to make us forget that we are men, and subject to the frailties of human nature; and we are in no danger, at the present day, when nearly arrived at manhood, of being hurried to extremes upon this, or, I trust, any other subject.

16th Con. 1st Sess.—46

It is conceived that it will not be for the interest of the United States that Missouri should be admitted into the Union, unless the further introduction of slavery there should be interdicted. How is this object to be accomplished? It is to be accomplished in this way, and perhaps in this way only. Independent of this law, if the people of Missouri should form a constitution, and the further introduction of slavery should be prohibited, what security should we have? they might alter their constitution at pleasure. This is the only way in which the object contemplated can be secured, and, if this mode cannot be taken, and the same views continue to be entertained, Missouri can never be admitted into the Union; she may write *mene tekul* upon her claims.

We have heard much upon this occasion of State rights. When we talk of State rights what rights do we mean, and whose rights? We must mean the rights of our own States—those States we represent. These are the rights we are bound to guard and protect, and it is enough for us that we do guard and protect these. The people of Missouri will take care of their rights; and I know not why we should be apprehensive that they will improvidently sacrifice them. From some remarks which have been made, I should infer the present States had no rights, or next to none; that is, collectively taken; for we are denied, it seems, the poorest privilege possessed, not merely by the smallest community, but by the meanest individual of our species, the privilege of choosing our company; or, I might rather say, the privilege of determining with whom we will not associate. For, the principles which have been advanced upon this occasion, go the length of asserting that we are bound to admit Missouri, that we have no option or volition upon the subject, and that we are bound to take her as she is—

"Unappointed, unanel'd,
"With all her imperfections on her head."

And who or what is Missouri? She is, as to us, on the present occasion, an independent power. We, at her request, meet her, and treat with her as such. We accord to her all the attributes of this character, and we merely claim for ourselves the same rights and privileges.

The admission of a new State is not an ordinary act of legislation: it is the most solemn act Congress can perform. Other acts are temporary, this is perpetual; for although Congress may admit a State into the Union, yet Congress possesses no power of getting a State out of the Union; nor is there a power of this kind vested anywhere. A State once admitted, is admitted forever; and shall it be said that in this case, of all others, our hands are tied, that we are vested with no discretion? Is it possible that the framers of our Constitution could have been so mad, as to divest themselves, in this the most important of all our concerns as a nation, of the means of self-defence? Were they afraid to trust themselves with this power lest it should be abused to the prejudice of themselves? This is presuming a distrust which is altogether at variance with those principles by which man is

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

ordinarily actuated. We often distrust others, but we never distrust ourselves. It is presuming too much, to presume a jealousy, which, by withholding a power from a fear that it might be abused, makes inevitable as great, or perhaps greater evils, than any abuse of this power could possibly have produced.

Let us, however, take the gentlemen upon their own grounds. It is allowed we have the power to admit or refuse admission, but it is claimed our power extends not in the least degree beyond this. We will suppose that we are now considering whether Missouri shall be admitted or not, and this condition is out of the question. In the discussion of this subject her admission is objected to, because slavery exists there, and because its further introduction and extension is not prohibited. When the vote is finally taken, it appears there is a majority opposed to her admission. How are the people of that country to be informed why their request is not granted? They are to learn it as well as they can from the discussion which has taken place in Congress, and from what may be picked up in conversation with the members. The people of Missouri, then, obviate this objection, and renew their application. In determining upon her admission, it is not necessary that every subject connected with it should be brought up, considered, and examined. If there be one insuperable objection to her admission at the time she applies, those who are to decide will not consider themselves required to go further: at that time this will govern their votes. When she applies a second time, her situation in other respects will be examined—her boundaries will come under consideration; and on the subject of boundaries I conceive we are in a peculiar manner entitled to a voice. It will be borne in mind, that a considerable part of that district of country which is now proposed to be included in Missouri is exclusively the property of the United States, both as to soil and jurisdiction. We therefore have an interest, not merely in the size of the State, as a constituent branch of this Confederacy, but as owners of a considerable portion of the territory it embraces, and nearly the whole of the contiguous country. We have therefore a pecuniary as well as a political interest. The present inhabitants of Missouri cannot, upon any pretext whatever, claim either territorial or juridical rights beyond the soil over which they have an ownership as individuals. The boundaries of the State are, therefore, a proper subject of arrangement between them and us.

We might not be satisfied with the boundaries they proposed. They might conform to what they supposed to be our wishes in this respect, and apply a third time. Possibly some other objection might then be made, and finally we come to precisely the same result we should by the present course. Is it not better, both for us and the people of Missouri, that we should speak to her at once—speak to her in an authentic and official form, and in the only way in which we can so speak—by a legislative act, sanctioned by all the branches of the Government. In substance, I cannot possibly discover any difference in the two courses, and, in

point of form, the one now proposed has infinitely the advantage.

Upon the Constitutional question, therefore, there is not in my mind the shadow of a doubt. This opinion is not one into which I have fought myself: I did not enter upon the examination of this subject to find arguments to fortify a preconceived impression, but with a mind as free from prejudice as it ever was in any instance whatever. My present conviction is one which has in fact forced itself upon me, and to which I have been compelled to yield.

But we are told of a treaty, and that by this our hands are tied. That part of the treaty which relates to this subject is in these words: "The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." It is to be regretted that those who made the treaty did not make use of expressions known to our Constitution and our laws, or I might say to our language.

When the "Union" is spoken of we know what is meant; it is a word with which we are familiar, it is in common use. We also know and understand what is meant by the "United States," this term is known to our Constitution; but the "Union of the United States," to say the least of it, is a very uncommon phrase. It is one I do not recollect ever to have heard or met with in any way, until I saw it in this treaty. It is presumed, however, that this phrase was merely meant and intended to describe us as a nation. Has not the first part of this treaty already been complied with? Are not the inhabitants of this Territory already incorporated with us? We have assumed jurisdiction in this country; we have taken its inhabitants under our care and protection; we have established a territorial government there, and given the inhabitants rights and privileges, very little short of those the inhabitants of the States possess. They are incorporated with us, certainly as much so as the inhabitants of the District of Columbia; and will any one say they are not incorporated with us; that they are not incorporated in the Union, or, if you please, "in the Union of the United States?" By this treaty the inhabitants of the ceded territory are also to be admitted "to the enjoyment of all the rights, advantages, and immunities of citizens of the United States." If you look at our naturalization law you will find, that a residence in any one of the States or the Territories of the United States, entitles a person to be admitted a citizen of the United States, upon compliance with certain forms prescribed by the law. The inhabitants of the ceded territory, therefore, are now, or may be, in possession of all the rights, advantages, and immunities of citizens of the United States. The treaty I consider, therefore, has already been complied with.

But there is another consideration which is, with me, conclusive, even if I am wrong in this construction, and every thing asked by those who

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

claim and advocate a different construction is conceded. It will be recollected, that whatever is done under this article of the treaty, is to be done "according to the principles of the Federal Constitution;" those who made this treaty had no right, in any event, to promise more than this. If I am right in my construction of the Constitution, our powers, as to the manner in which we shall perform the act now required of us, are not limited or restrained in the least. All that we are bound to do, is to admit Missouri when the interest, or, in other words, the "general welfare" of the United States will be promoted by her admission. This act we are now ready and willing to perform. We are willing to admit her; and all we ask is, that her condition may be so modified that she may be an efficient and useful member of this Confederacy, and that she should not be instrumental in the extension and perpetuation of an evil which all deplore.

There is another answer which may be given to this claim set up under the treaty. This treaty respects only the inhabitants of the ceded territory, at the time the treaty was made. It is understood that this embraces but a small portion of those who are now inhabitants of Missouri. When these men come before us, it will be time enough to consider their claim; the present application is not made by them; the present applicants are the inhabitants of Missouri, a very different body of men. No, sir, the present applicants cannot claim under the treaty; their best and only claim is as our children; and I hope they will prove themselves children indeed, worthy of our care, and worthy of our regard, and that we shall act towards them the part of a kind parent; for myself, at least, I shall neither do or claim any thing with respect to them I deem inconsistent with that relation. If they were my children, in fact, I should act towards them the same part I now do, and, in doing so, should consider myself as conferring upon them the richest legacy in my power to bestow—one far more valuable than either money or lands.

We have been told, if this application is not granted, the people of Missouri will form a constitution for themselves, whether we consent to it or not; and that hereafter they will present themselves before us with this constitution in one hand, and the treaty in the other, and demand admission into the Union; and we have had an intimation of the train of consequences which will probably result from a persistence in our refusal. In what light, I ask, are the people of Missouri exhibited to us by these suppositions? They are owners of the soil they have purchased, and over this they have a right to exercise certain powers; but by what law, or what principle, does their power extend beyond this? Are they about to assume dominion over the soil of the United States? Are they about to divest us, not merely of our sovereignty, but of our property? Is this the penalty of our refusal? I will not, without further evidence, believe that the inhabitants of this Territory have had justice done them by these representations; but I will rather consider them as springing from the heated imaginations of those who call themselves her

friends. If I really believed these representations, I should say, that Missouri ought never to be admitted into this Union, but that, with respect to her, our door should be ever closed.

It has been said that the Cabinet is divided upon this question. I know not what the divisions are in the Cabinet, or what influence those divisions ought to have upon our deliberations or decisions. Whatever those divisions may be, I presume there are none upon one branch of this subject—as to the rights of the present applicants under the treaty, I apprehend there is no division in the Cabinet; for I understand the Cabinet have uniformly claimed that the province of Texas was included in the Louisiana treaty; yet, if we look at the Florida treaty, we shall find that this province has been abandoned, relinquished, given up to Spain, with as little ceremony as any article of merchandise would have been; and this treaty has received the sanction of the Senate of the United States. Could these things have taken place if the Cabinet or the Senate had supposed that, by the Louisiana treaty, we were bound to erect the territory ceded to us into independent States, and admit them as members of the American Union?

An attempt has been made to derive an argument from the citizenship of the applicants. It is said they are citizens of the United States, and, as such, are entitled to self-government; and the Declaration of Independence has been quoted. That instrument, it is said, recognises the right of the people to alter or abolish their form of government, and institute new ones. These are natural rights. The rights conferred by citizenship are based, it is true, upon those which are natural; but they are all dependent upon the positive institutions of society, and the nature of them depends much upon the location of the individual; they vary as he varies his residence, and are different in every State in the Union, and, in many instances, in the different parts of the same State. In the State of New York they are one thing, in the State of Pennsylvania another. In the country they are of a certain kind; in the city of a different kind; in every situation, and under all circumstances, they derive their character from the institutions of society. When a man leaves the United States, he carries none of them with him; that is, none of those which are peculiar. He is entitled, to a certain extent, to the protection of his country, as the citizen or subject of any other country is, when separated from that country; but his rights, as a citizen of the United States, extend no further.

If a resort is to be had to Revolutionary principles, pray, gentlemen, take the whole of these principles; do not select that part which happens to comport with your views, and reject the remainder; extend to all the enjoyment of those, the inalienable rights, "life, liberty, and the pursuit of happiness." We do not claim that you should go this length—"the condition and civil rights" of those who are now inhabitants of Missouri, are not interfered with by us. We only claim that those who hereafter become inhabitants there, should be permitted to enjoy these blessings. It is with an ill grace, indeed, that you clamor for rights for

yourselves, and, at the same time, are equally clamorous for a denial of those rights to others.

It is admitted by all, that slavery is an evil; even the ardor of debate, and the excitement naturally produced by opposition, has not yet caused a denial of this proposition; but, it has been contended that diffusion will mitigate this evil. It has been compared to poison, the evil effects of which are said to be lessened by dilution. If this evil could not be increased in quantity, the comparison might be just; but the extent to which it may be increased is unlimited. In this respect it may, with more propriety, be compared to fire. This extends itself as long as it finds materials to feed upon, and that species of population which is the subject of the present discussion, will extend as long as space and the means of subsistence are furnished. As well might it be said that this evil of fire is mitigated by diffusion, and that the individual whose house is burning lessens his calamity by setting a city in a blaze, as that the evil of slavery, in that portion of the country where it exists, will be lessened by extending it over the uninhabited territory of the United States.

Slavery is a great evil at the present time; but if we look into futurity, its character becomes alarming. There is one fact which speaks volumes upon this subject. It is this: that the black population in the slaveholding States increases faster than the white. This fact is considered as clearly established, by the different enumerations which have been made of the inhabitants of the United States. It is not difficult to assign a reason for this. White people are restrained from marriage by prudential considerations; there are but few who will think of burdening themselves with a wife and family, without some rational prospect at least of subsistence, if not of comfort and respectability. The slave experiences no check or restraint of this nature. He fears no degradation, either of himself or his offspring. What is called the preventive check to population, operates with much greater force upon the white man than the slave, in all situations; but this check operates more powerfully in the slaveholding States than in those where there are no slaves, and for this reason, that labor is less reputable. The character of any employment is affected by the character of the individuals by whom it is exercised. That labor which we are in the habit of seeing performed by slaves, we are apt to consider as the appropriate labor of slaves, and no freeman can engage in it without, in some measure, degrading himself to the level of slaves. Poverty is, for this reason, more distressing and more irksome in those countries where there are slaves, than in those where there are none.

Where is this evil to end? No one can contemplate this state of things, and carry his ideas forward to its inevitable tendency, without emotion. I need not pursue it; the imagination of every individual who hears me, will at once anticipate every thing I could urge upon this subject. That this state of things, if suffered to progress, will lead to some dreadful result, no one can for a moment doubt. A surrounding white population

will, then, be found useful. Extending slavery is only postponing the evil day for a short period; but exactly in proportion as this postponement takes place, will the evil be increased in magnitude. While it is confined within narrow limits, it may be controlled; but, when extended over an immense space, it will be uncontrollable.

It has been intimated that the Northern States are unfriendly to the Southern, and that the present measure originates from a disposition to gratify this hostility. The suspicion is unfounded, certainly, as respects the body of the people; there may be individuals who, from political or other considerations, may entertain a spirit of this kind, but it is not general: nor do I believe, at the present day, it is sufficiently extensive in any portion of the Northern section of the country to give life and being to any public measure. We have taken each other to have and to hold, for better, for worse, for richer, for poorer, in sickness and in health; and our present wish is, that the connexion should continue, and that it should only terminate with the final dissolution of all things. It is true, jealousies have arisen; there may have been moments of pique and alienation of feelings; there may have been neglect of the true interests of the Union; there may have been periods when a portion of our citizens have been more gratified with our adversity than our prosperity, as a nation; but I trust that the day of these things has gone: that those who have thus wandered, if any such there be, have returned, like the prodigal, never to wander again; that they have strayed far enough from the path of duty to realize the evil and the danger of that course, and to be satisfied that their only chance of happiness is in a faithful performance of their covenants.

It is true, we lament this evil of slavery—we deplore it; yet for this we consider you not as enemies, but you must allow us to remonstrate with you as brethren. If its remedy is undertaken in a spirit of friendship, I have no doubt it may speedily be mitigated, and I entertain the hope that it may eventually be eradicated; and, among the means of its mitigation and eradication, I look, with no small degree of complacency, to colonization. This we cannot expect to do every thing, but it may do much.

The pride and jealousy of our Southern brethren appear to be alarmed. What! it is asked, are we unable to take care of ourselves? Do we not know our own interest? The part we have taken, upon the present occasion, appears to be regarded as an intrusion, an officious intermeddling. But, is this a subject in which we have no interest? Are we so far disconnected, that one part of this community can experience calamity, and the other suffer no inconvenience? Whatever tends to lessen the growth and prosperity, the strength and efficiency, of any part of our country, must, in its consequences, be injurious to the rest. Every portion of our country must participate, in a greater or less degree, in the evil consequences of an unprofitable or dangerous population. Those evils which are present, and those which are unfolded to our view, in futurity, from this source, are of

FEBRUARY, 1820.

Proceedings.

H. OF R.

too alarming a character, even as respects the most remote parts of the United States, to admit of indifference. Those in the midst of this population are most interested, but, possibly, supposed immediate advantage may have its effect in drawing their attention from remote consequences.

It has been intimated, that we concern ourselves too much about posterity, and that our attention ought to be confined more closely to ourselves. No man who has experienced parental feelings, can be indifferent about posterity. It is in vain to reason on this subject; it is enough for us that it is so. It arises from a law of our nature—a law written in the heart of man by the finger of the Almighty, and one which he cannot disobey.

It is said, the condition of the slaves is not so bad as has been supposed; that they are better off than the lowest class of white people. One thing is certain, that is, the lowest class of white people would be very unwilling to exchange conditions with them; and notwithstanding all the mitigations and ameliorations of their condition, which have taken place, or which may take place hereafter, the observation of a writer who knew the avenues to the human heart as well as any man that ever wrote, still remains true: "Disguise thyself 'as thou wilt, still, slavery, thou art a bitter draught,' and, though thousands are made to drink of thee, 'thou art no less bitter on that account.'"

Why is it that so much pains are taken to create an impression, that the emancipation of the slaves in the old States is aimed at, and that this is merely the commencement of a system which has that for its end? That our country should be rid of this class of people, is devoutly to be wished; but, that there is a wish or an intention to effect their emancipation by coercive, or, in fact, any other means, inconsistent with the rights of those who now hold dominion over them, is not to be inferred from any thing which has yet taken place. The intemperate effusions of individuals, or the unguarded language of either individuals or private associations, do not justify these suspicions. When any public measure is attempted, bearing these marks, then may these apprehensions be indulged, and the feelings appertaining to them properly have existence; but until then they are unauthorized. But, Mr. Chairman, notwithstanding all the alarm, agitation, and opposition we have witnessed on the present occasion, I am fully satisfied that if, in consequence of the stand which has now been taken, the further introduction of slavery into Missouri should be prevented, whatever may be the present feelings of the inhabitants of that territory, we shall hereafter receive their thanks, and that they will look back upon the transactions of this day with joy and gratitude; and that the time is not far distant when even our Southern brethren will regard us as their benefactors, rather than their enemies.

There are several other observations, Mr. Chairman, which I intended to have made, but, aware of the fatigue and impatience of the Committee, from this lengthy and protracted discussion, I will omit them. It has been my endeavor to communicate what I had to say in as concise a manner as possible, and to avoid repeating any thing I have

heard advanced by others, any further than absolutely necessary to make myself intelligible. I will, therefore, take my seat, with a tender of my sincere acknowledgments to you and the Committee for the indulgence that has been manifested.

When Mr. EDWARDS had concluded, the Committee rose; and the House adjourned.

TUESDAY, February 22.

The SPEAKER laid before the House a letter from the Secretary of State, enclosing a report on the petition of James Simpson, Consul of the United States at Tangier, in the kingdom of Morocco; which was read, and ordered to lie on the table.

The SPEAKER also laid before the House a letter from the Commissioners of the Navy Pension Fund, upon the subject of the resolution of this House of the 2d of March, 1819, instructing them to use all the means in their power to coerce payment of the balances due to the fund, from all persons who may be found indebted to the same, &c.; which was read, and ordered to lie on the table.

Mr. HOLMES presented a representation, signed by "John Holmes, Martin Kinsley, Mark Langdon Hill, James Parker, Joshua Cushman, and Ezekiel Whitman," members of this House from that part of the State of Massachusetts hitherto known as "the District of Maine," respectfully urging Congress, for the reasons therein stated, as speedily as possible to decide the question of the admission of the said district into the Union as a separate, sovereign, and independent State; which was read, and ordered to lie on the table.

Mr. KENT presented a petition of Robert Young, judge of the orphans' court of the county of Alexandria, and of Richard Bland Lee, judge of the orphans' court of the county of Washington, in the District of Columbia, praying that Congress will be pleased to cause an inquiry to be made into the present organization and condition of the said courts, and that such alterations and amendments may be made in the existing system, as to the wisdom of Congress may seem meet and proper; which petition was referred to the Committee for the District of Columbia.

Mr. KENT also presented a petition of the Corporation of the town of Alexandria, in the District of Columbia, stating that they have perceived that, by the 12th section of the bill now pending before this House, "concerning the banks of the District of Columbia, and for other purposes," the issue, or re-issue, of the notes of the corporation are prohibited from and after the 1st of January, 1821, and alleging that the said corporation is not able or prepared to redeem and pay off their notes by the time specified in the said section, and praying for an extension of the time for the liquidation of their said notes; which petition was referred to the Committee of the Whole to which is committed the bill aforesaid.

Mr. ANDERSON, from the Committee on the Public Lands, who were instructed to inquire into the expediency of providing by law for the appointment of a separate surveyor for the public lands within the State of Illinois, made a report thereon; which

H. OF R.

Commodore Perry.

FEBRUARY, 1820.

was read, and the resolution therein contained was concurred in by the House, as follows :

Resolved, That it is not expedient that a separate surveyor should be appointed for the public lands within the State of Illinois.

Mr. ANDERSON, from the same committee, who were also instructed to inquire into the expediency of limiting the quantity of public lands hereafter to be exposed to sale, made a report thereon ; which was read, and the resolution therein contained was concurred in by the House, as follows :

Resolved, That it is not expedient to pass any law limiting the quantity of public lands hereafter exposed for sale at the different land offices.

The SPEAKER presented to the House a letter addressed to him by the trustees of the town of Saint Charles, in the Territory of Missouri, in relation to the right of the inhabitants of that town to the commons adjacent thereto.—Referred to the Committee on Private Land Claims.

On motion of Mr. STORRS, the Secretary of the War Department was directed to transmit to this House copies of the respective contracts heretofore made with James Johnson, Alexander McRae, Elias Earle, and Peter Townsend, for the delivery of powder, arms, cannon, or shot, together with an account of the moneys advanced on the said contracts, respectively, and at what periods, and whether, and how far, the said contracts have been respectively fulfilled on the part of the contractors.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit : "An act for the relief of the legal representatives of John O'Connor, deceased ;" and "An act further to extend the charter of the City of Washington ;" in which bills they ask the concurrence of this House.

FLORIDA TREATY.

On motion of Mr. REID, the House agreed, by a vote of 77 to 59, to consider the following resolution offered by him yesterday :

Resolved, That the President of the United States be requested to impart to this House any communications touching the Florida Treaty, which may have been received from our Minister Plenipotentiary at the Court of Spain, which have not been heretofore communicated, and which, in his opinion, it may not be inconsistent with the public interest to communicate.

Mr. RANDOLPH, presuming that the object of the resolution was to obtain generally such information as the Executive had received touching the treaty, (with the reservation expressed in the last part of it,) he suggested to the mover the propriety of omitting that part of the motion which confined the call to information received from our Minister at Madrid.

Mr. REID acquiesced in the suggestion ; and, thus modified, the resolution was adopted, and a committee of three appointed to present it to the President.

WESTERN COURTS.

The engrossed bill to alter the place of holding the circuit and district courts of Ohio, from Chil-

cothe to Columbus, the seat of government of the State, was read the third time.

Mr. BEECHER explained the motives for this bill, the unanimous wish of the Legislature, the public convenience, &c.

Mr. BRUSH replied to Mr. BEECHER, and argued to show that the bill was inexpedient, at this time, at least ; that it would be a burden to suitors, witnesses, &c., and would increase the labor of the judges by extending their journey, &c., without benefiting the community. To give time to produce information to the House on the subject, he moved that the bill be laid on the table.

Mr. ROSS and Mr. CAMPBELL replied and supported the bill ; after which, the question was taken on laying the bill on the table, and negatived ; and the bill was then passed, and sent to the Senate for concurrence.

COMMODORE PERRY.

Mr. LOWNDES offered the following resolution for consideration :

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of extending to the widow of Captain Oliver H. Perry the provision which is now made by law for the widows and children of naval officers who die from wounds received in action.

Mr. L. observed that it was conceived that the family of Commodore Perry was embraced by the existing laws which provide for pensions, as it was not to be supposed the generosity or magnanimity of Congress did not intend to comprehend such a case ; but as this appeared to be doubted, he had deemed it proper to propose the inquiry which he had submitted.

The resolution was adopted *nem. con.*

Mr. RANDOLPH rose to offer a motion. He believed it would be very difficult for any member of this House—certainly it was not possible for him—to keep pace with the honorable gentleman from South Carolina, (Mr. LOWNDES,) in the race of honor and public utility. That gentleman had, by the motion which had just been adopted, anticipated him, in part, in a proposition which he (Mr. R.) had intended on this particular day, for reasons which would suggest themselves to the mind of every one, to offer to the House. When he had this morning heard the tower-guns announcing the return of the birthday of WASHINGTON, Mr. R. said the thought had come across his mind—in reference to certain proceedings in this House and elsewhere—"this people draw nigh unto me with their lips, and honor me with their mouth, but their hearts are far from me." His purpose, Mr. R. stated, was to make a motion in relation to the wife and children of the late Oliver Hazard Perry, of the United States Navy. It was his opinion, Mr. R. said, whether correct or not, that the country owed more to that man, in its late contest with Great Britain, than to any other whatever, always excepting Isaac Hull—that man who had first broken the *prestige*, the cuirass of British invincibility. He had frequently, Mr. R. said, heard persons of that country speak in terms of admiration of the achievement of Captain Hull,

FEBRUARY, 1820.

Admission of Maine and Missouri.

H. OF R.

in his escape from a fleet of the enemy in the Constitution frigate; of the admirable seamanship which he had displayed; of his professional skill; but he had never heard any of them speak with cordial applause of his achievement with the *Guerriere*, that proud frigate of the first class which had carried her name, in defiance, emblazoned in large letters on her foretopsail, that the American *pica-rooms* might beware of His Majesty's ship, and make no mistakes. That was an event on which they were generally silent, or their praise very faint. Mr. R. believed that old England would consent that forty Pakenhams, with all their legions, should have been buried in the alluvial lands of the Mississippi, to take back the single action of the *Guerriere*; because that action had done more than any thing else to open the eyes of Europe, and dispel the illusion of British supremacy on the ocean. Next in glory to the victory over the *Guerriere*, was that on Lake Erie, by the gallant Perry; and this, Mr. R. said, was not inferior in lustre to any event in the naval history of England, from that of La Hogue, under Admiral Russell. One, said Mr. R., has shown us the way to victory with single ships, the other with fleets. Shall we suffer his family to melt up the plate that was given to him by his countrymen, by corporate and legislative bodies, in compliment to his gallantry, to buy bread? He would say no more, but at once offer the following resolution:

Resolved, That provision be made by law for the support of the family of the late Oliver Hazard Perry, Esq., of the United States Navy, and for the education of his children.

Mr. LOWNDES concurred with great cordiality in Mr. R.'s resolution. He felt in its fullest force the sentiment of gratitude to the man who had first taught his country to hope for victory by fleets, as well as by single ships; and Mr. L. said it was only because he had supposed that the House would not at this time give its approbation to a proposition such as Mr. RANDOLPH had offered, that he had contented himself with the very inferior one which he had submitted.

Mr. HAZARD, of Rhode Island, did not rise to say much on a subject which he said he could scarcely trust himself to speak on at all. But he rose to offer his thanks to the gentleman from Virginia and the gentleman from South Carolina, in behalf of the name of Perry—to thank them in behalf of the State which gave him birth—to thank them in the name of his amiable widow—to thank them in the name of their common country.

The resolution was adopted; and, on motion of Mr. RANDOLPH, a committee of three was appointed to bring in a bill in pursuance thereto.

MAINE AND MISSOURI.

The House resumed the consideration of the amendments of the Senate to the Maine bill (proposing to incorporate therein the Missouri bill, embracing the amendment called the compromise.)

The amendments having been read—

Mr. RANDOLPH delivered a speech of more than

two hours length, against the feature of the amendments of the Senate, which proposes to exclude the further migration or transportation of slaves into any of the Territories of the United States north of 36° 30' north latitude.

Mr. RHEA commenced a speech; but, from the lateness of the hour, after two or three unsuccessful divisions on motions for the purpose, the House adjourned.

WEDNESDAY, February 23.

Mr. KENT presented a petition of three hundred and sixty inhabitants of Georgetown, and that part of the county of Washington lying west of Rock Creek, in the District of Columbia, praying for certain alterations in the judicial system of the said District, which are therein described.—Referred to the Committee for the District of Columbia.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill making appropriations for the support of the Government for the year 1820; which was read twice and committed.

Mr. ANDERSON, from the Committee on the Public Lands, reported a bill to authorize the President of the United States to appoint a receiver of the public moneys and register of the land office for the district of Lawrence county, in the Arkansas Territory; which was read twice and ordered to lie on the table.

Ordered, That the Committee on Manufactures be discharged from the further consideration of the petition of a company of Swiss emigrants, and that it be referred to the Committee on the Public Lands.

Mr. BRUSH submitted the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of providing by law for surveying, marking, and permanently establishing, the northern boundary line of the State of Ohio, beginning at a point north of the most northerly cape of the Miami Bay; running thence, due west, to intersect the western line of said State.

The resolution was read, when Mr. Cook moved to amend the same, by adding, as follows: "And, also, of running the boundary line between Indiana and Illinois."

The resolution and amendment were laid on the table.

The bill from the Senate, entitled "An act for the relief of the legal representatives of John O'Conner, deceased," was read twice, and referred to the Committee on Private Land Claims.

The bill from the Senate, entitled "An act further to extend the charter of the City of Washington," was read three times and passed.

The SPEAKER laid before the House a letter from the Comptroller of the Treasury, stating that in the list of balances due to the Government more than three years, or which remained unsettled on the books of the Register of the Treasury on the 1st of October last, and transmitted by him (the Comptroller) to this House, at the present session of Congress, he has perceived that Thomas Worthington, a collector of internal revenue, stands

H. OF R.

Admission of Maine and Missouri.

FEBRUARY, 1820.

charged with four thousand four hundred and sixty-four dollars, when, in fact, the balance against him is only forty-four dollars and sixty-four cents; which letter was ordered to lie on the table.

MAINE AND MISSOURI.

The House then resumed the consideration of the amendments of the Senate to the bill for the admission of Maine into the Union.

Mr. RHEA spoke about an hour on the subject, particularly on the inapplicability of the ordinance of 1787 to the territory west of the Mississippi.

A division of the question was called for; and, on the question, Will the House disagree to so much of the said amendments as is comprised in the words following, to wit:

"And to enable the people of Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States:

"Sec 2. *And be it further enacted*, That the inhabitants of that portion of the Missouri Territory included within the boundaries hereinafter designated, be, and they are hereby, authorized to form for themselves a constitution and State government, and to assume such name as they shall deem proper."

It passed in the affirmative—yeas 93, nays 72, as follows:

YEAS—Messrs. Adams, Allen of Massachusetts, Allen of New York, Beecher, Boden, Brush, Buffum, Butler of New Hampshire, Campbell, Case, Clagett, Cook, Crafts, Cushman, Darlington, Dennison, Dewitt, Dickinson, Dowse, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Fay, Folger, Forrest, Fuller, Fullerton, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Hill, Holmes, Hostetter, Kendall, Kinsey, Kinsley, Lathrop, Lincoln, Linn, Livermore, Lyman, Maclay, McLane of Delaware, Mallary, Marchand, Mason, Meech, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Nelson of Virginia, Parker of Massachusetts, Patterson, Phelps, Philson, Pitcher, Plumer, Rich, Richards, Richmond, Rogers, Ross, Russ, Sampson, Sergeant, Silsbee, Sloan, Southard, Stevens, Storrs, Street, Strong of Vermont, Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Upham, Van Rensselaer, Wallace, Wendover, Whitman, and Wood.

NAYS—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baldwin, Ball, Barbour, Bayly, Bloomfield, Brevard, Brown, Bryan, Burton, Burwell, Butler of Louisiana, Cannon, Cobb, Cocke, Crawford, Culpeper, Cuthbert, Davidson, Earle, Edwards of North Carolina, Ervin, Fisher, Floyd, Garnett, Hardin, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Little, Lowndes, McCoy, McCreary, McLean of Kentucky, Meigs, Mercer, Metcalf, Neale, Newton, Overstreet, Parker of Virginia, Pinckney, Rankin, Reed, Rhea, Ringgold, Settle, Shaw, Simkins, Slocumb, Smith of Maryland, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Strother, Swearingen, Terrell, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina, Warfield, Williams of Virginia, and Williams of North Carolina.

So the House disagreed to the amendment of the

Senate which proposed to annex the Missouri bill to the Maine bill.

The question was then taken on disagreeing to the residue of the amendments of the Senate, (the details of the Missouri bill) with the exception of that which embraces what is familiarly called the *compromise* amendment, and decided also by yeas and nays, in the affirmative—for disagreeing 102, against it 68, as follows:

YEAS—Messrs. Adams, Allen of Massachusetts, Allen of New York, Anderson, Baldwin, Beecher, Bloomfield, Boden, Brown, Brush, Buffum, Butler of New Hampshire, Campbell, Case, Clagett, Clark, Crafts, Cushman, Darlington, Dennison, Dewitt, Dickinson, Dowse, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Fay, Folger, Ford, Forrest, Fuller, Fullerton, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Hill, Holmes, Hostetter, Kendall, Kinsey, Kinsley, Lathrop, Lincoln, Linn, Livermore, Lyman, Maclay, McLane of Delaware, McLean of Kentucky, Mallary, Marchand, Mason, Meech, Meigs, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Nelson of Virginia, Parker of Massachusetts, Patterson, Phelps, Philson, Pitcher, Plumer, Rich, Richards, Richmond, Rogers, Ross, Russ, Sampson, Sergeant, Silsbee, Sloan, Southard, Stevens, Storrs, Street, Strong of Vermont, Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Trimble, Upham, Van Rensselaer, Wallace, Wendover, Whitman, and Wood.

NAYS—Messrs. Abbot, Alexander, Allen of Tennessee, Archer of Maryland, Archer of Virginia, Ball, Barbour, Bayly, Brevard, Bryan, Burton, Burwell, Butler of Louisiana, Cannon, Cobb, Cocke, Crowell, Culbreth, Culpeper, Cuthbert, Davidson, Earle, Edwards of North Carolina, Ervin, Fisher, Floyd, Garnett, Hall of North Carolina, Hardin, Hooks, Johnson, Jones of Tennessee, Kent, Little, Lowndes, McCoy, McCreary, Mercer, Metcalf, Neale, Newton, Overstreet, Parker of Virginia, Pinckney, Quarles, Rankin, Reed, Rhea, Ringgold, Robertson, Settle, Simkins, Slocumb, Smith of New Jersey, Smith of Maryland, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Strother, Swearingen, Terrell, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina, Warfield, Williams of Virginia, and Williams of North Carolina.

The question was then taken, Will the House disagree to the said ninth section, (being the last of the said amendments,) contained in the words following, to wit:

Sec. 9. *And be it further enacted*, That, in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided, always*, That any person escaping into the same, from whom labor or service is lawfully claimed, in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid:

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

And also determined in the affirmative—yeas 159, nays 18, as follows:

YEAS—Messrs. Abbot, Adams, Alexander, Allen of Massachusetts, Allen of New York, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baker, Ball, Barbour, Bateman, Beecher, Boden, Brevard, Brown, Brush, Bryan, Buffum, Burton, Burwell, Butler of New Hampshire, Butler of Louisiana, Campbell, Cannon, Case, Claggett, Cobb, Cook, Crawford, Crowell, Culbreth, Cushman, Cuthbert, Darlington, Davidson, Dennison, De Witt, Dickinson, Dowse, Earle, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Edwards of North Carolina, Ervin, Fay, Fisher, Floyd, Folger, Foot, Ford, Forrest, Fuller, Fullerton, Garnett, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hall of North Carolina, Hardin, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Hill, Holmes, Hooks, Hostetter, Johnson, Jones of Virginia, Jones of Tennessee, Kendall, Kent, Kinsley, Lincoln, Linn, Livermore, Lowndes, Lyman, Maclay, McCoy, McCreary, McLane of Delaware, McLean of Kentucky, Mallary, Marchand, Mason, Meigs, Metcalf, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, Overstreet, Parker of Massachusetts, Parker of Virginia, Patterson, Phelps, Philson, Pinckney, Pitcher, Plumer, Rankin, Reed, Rhea, Rich, Richards, Richmond, Robertson, Rogers, Ross, Russ, Sampson, Sergeant, Settle, Silsbee, Simkins, Slocumb, B. Smith of Virginia, Smith of North Carolina, A. Smyth of Virginia, Southard, Stevens, Storrs, Street, Strong of Vermont, Strong of New York, Strother, Swearingen, Taylor, Terrell, Tomlinson, Tompkins, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Upham, Van Rensselaer, Walker of North Carolina, Wallace, Warfield, Wendover, Whitman, Williams of Virginia, Williams of North Carolina, and Wood.

NAYS—Messrs. Baldwin, Bayly, Bloomfield, Cocke, Crafts, Culpeper, Kinsey, Lathrup, Little, Meech, Mercer, Quarles, Ringgold, Shaw, Sloan, Smith of New Jersey, Smith of Maryland, and Tarr.

Thus the House rejected all the amendments of the Senate to the Maine bill.

THE MISSOURI BILL.

The House then again resolved itself into a Committee of the Whole on this bill. The proposed restriction being still under consideration,

Mr. EDWARDS, of Connecticut, resumed the argument which he commenced on Monday in favor of the restriction, and spoke about half an hour in continuation. His speech is given entire in preceding pages.

Mr. JONES, of Tennessee, said that, after the consumption of so much time, and the exercise of so great talents upon this subject, he would relieve the committee by stating that he did not rise to make a speech, but merely to give an opinion; that it was not with a vain desire of mingling in debate, nor even with the pleasing hope of effecting conviction, that he ventured to approach this momentous subject. But, sir, my desire is (for what reasons I will leave to the Committee to judge) to state the ground upon which I am willing to meet these pamphleteers; those very great men who direct the movements of town meetings,

(of which, thank Heaven, there has yet been none in the State which I have, in part, the honor to represent; the people there seem disposed first to hear what Congress has to say upon the subject;) and, sir, so far as in me lies, to answer the more respected arguments of members of this Committee. I said, sir, that this question was a momentous one; and, indeed, if upon any question involving in it any degree of national importance, one half the Representatives of the people should differ in opinion with the other, it could be viewed as no other than a question of that description. But, sir, when, on a question acknowledged by the gentlemen themselves to be a mere question of expediency, one geographical half of the Union is arrayed against the other; and when we see a disposition manifested to proceed at all hazards; when a determination is avowed to sever the people of Missouri; to drive a line through the centre of her population, and to say to those on the right, you shall enjoy your property, and to those on the left, you shall not; and to both, that neither of you shall come into the Union; no man who regards the interest of his country can view this as any other than a question of the last importance. Freedom and slavery, we are told, are the parties now before us, and we are reminded of the blessings of liberty, of the voice of humanity and religion, and of the miseries of slavery; and, indeed, it would seem, by the use, or rather abuse, of those broad and comprehensive terms, that by some revolution in human affairs, or rather by some beneficent dispensation of Divine Providence, an opportunity had been afforded to this nation to make all men equal, or at least to make all men free. Would to Heaven this were the fact. For, sir, without hesitation I declare, that, if any gentleman shall propose a Constitutional and practicable scheme of general emancipation, he shall not be without a second. I would break every fetter which binds those unfortunate beings to absolute obedience; I would loose every chain, save those which bind man to his fellow man; but, sir, I at once say, I have not the power. The Constitution which I hold in my hand is about my own age; but, sir, which of us shall die first, I think very problematical. So soon as my mind was sufficiently expanded to read, and in some degree to understand, this instrument, I found that at the same time, nay, almost in the same sentence, that it recognised me as a freeman, as a son of the Confederacy, it recognised the existence of slavery. This same instrument has placed me on this floor a creature, in my present character, of its own formation. This instrument I have sworn to support, and to it I will look for authority to act.

And, sir, permit me to observe to gentlemen who talk about the law of God and the law of Nature, that their speeches would much better suit a convention about to form a Constitution than they do a Congress convened under a Constitution which they have sworn to support. To say that slavery is an evil, that it is contrary to the laws of nature and of nature's God, does not prove that the Constitution has not recognised its existence; neither does it prove that the power to remedy the

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

evil has, by the States, been surrendered to the General Government, believing themselves (as they must have done) incompetent to the management of their slaves, or to their emancipation. When gentlemen talk of the exercise of power, we ask them to show us the grant; for we well remember that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." We call upon them for their charter, and it is a most unfortunate circumstance that, in attempting to comply with our request, gentlemen cannot agree among themselves as to the source of this power. Some gentlemen have been so sagacious as to ascertain that it is to be found in the preamble to the Constitution, which declares the object of its formation to be, in part, "to provide for the common defence and general welfare." Sir, I did hope that not more than one gentleman would have resorted to this as a source of power; and I will only say to those gentlemen, that their arguments speak but little in favor of the good sense of the framers of the Constitution. If in the preamble a power be granted to do whatever, in the estimation of humanity, of religion, of conscience, may be calculated to promote the general welfare, the preamble itself would have been a sufficient Constitution; it gives them unbounded powers, and there the framers of the Constitution ought then to have stopped.

Sir, although this argument is not worthy of refutation, it proves, incontestably, to what alarming lengths we may be carried by misguided zeal in the cause of humanity, of religion, of our conscience, as we are taught to believe by those whose interest it may be to drive us forward in such unwarrantable measures. Several other sources of the power about to be exercised, were discovered at the commencement of this debate; all of which, I believe, have been abandoned, with the exception of two, the first of which, they tell us, is to be found in the 3d section of the 4th article of the Constitution. The particular clause to which we are referred is in these words: "The Congress 'shall have power to dispose of, and make all needful rules and regulations respecting, the territory 'or other property belonging to the United States.'" Let us for a moment inquire by what this territory has been acquired? The answer is easy; it was acquired by the joint funds of all. And for whose benefit? For the common benefit of all. When the territory thus acquired is ready to be populated, and emigration is invited, how may we, who have purchased it with the common fund, for the common benefit, remove there? The answer, to a plain unlettered man, of common sense and common honesty, would seem to be, that we may go there, taking with us whatever, by the Constitution, is recognised as being ours. It is here unnecessary to attempt to prove a right in our slaves. Gentlemen admit it; that is, so long as we keep them in the old States. But, sir, it is stated in a speech which I have read, being the substance, as was stated, of two speeches delivered in the Senate on this subject, that the right to make all needful rules and regulations includes within it the

right to determine what rules and regulations are needful; and, therefore, I take the conclusion to be, that if, in our conscience, (for we must always keep our conscience at ease upon matters of this kind,) we believe it to be needful, we may set at liberty every slave we may happen to find there. If, sir, the Constitution consisted of that part of the section which has been quoted only, this argument might be (and I am disposed to think would only be) a specious one. It is a species of the same kind of argument as that to which I have before alluded, which was founded on the preamble to the Constitution. It ought to be remembered that the same instrument by which Congress have acquired a right to make rules and regulations for the Territory, has guaranteed to the master a right to his slave; and if your rule or regulation be inconsistent with, or is calculated even in its effects to deprive him of this right, your rule or regulation is unconstitutional. But we are told of the ordinance of 1787, which may be called a condition upon which the United States purchased the country northwest of the Ohio river, from the State of Virginia. The condition was, that slavery should not there be tolerated. It is not necessary here to stop to inquire whether the United States can purchase territory, and, if they can, whether they cannot purchase it on conditions. I am willing to concede to gentlemen the validity of this celebrated ordinance; and what does it prove? It proves that the United States purchased a tract of country from Virginia, on condition that slaves should not be permitted to go there. Now, sir, I am ready to ask, why was this proviso in the contract? Why was it necessary for Virginia, or why was it necessary for the United States, by this ordinance, to prevent their citizens from emigrating with their slaves to that country? Does it not pre-suppose a right in every American citizen to have removed there with their slaves, had it not been for this ordinance? It certainly does. When we come hereafter to speak of the purchase of Louisiana, we shall see the difference between the two cases. I shall now call your attention to the only remaining source which I shall notice, from which gentlemen derive the power to restrict Missouri; that is, they say, to be found in the first clause of the section last mentioned, "New States may be admitted by the Congress into this Union." And it is conceded that this clause is not imperative, but that Congress may exercise its discretion whether to admit at all, or upon what conditions a State shall be admitted. It will not be denied that, when Congress is under no obligations other than those imposed by the Constitution, it may admit or reject a State, as in the case of a new State formed out of an old State, where there has been no contract, either express or implied, between Congress and such new State, as to its admission. But I deny that Congress can impose this restriction, or any other, upon a State, as a condition upon which it shall be admitted; but, on the contrary, I think I shall be able to show clearly, that the framers of the Constitution contemplated new States coming into this Union, with or without this description of property, as the case might be; and to do this,

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

sir, I beg leave to refer you to the third clause of the second section of the first article of the Constitution. It is in these words: "Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons." What other persons? Slaves, it is admitted. But, say gentlemen, this is only applicable to the good old thirteen States, and not to new States or Territories. Well, sir, let us proceed with the same clause, and see what further is to be done within "the several States which may be included within this Union." "The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct." The enumeration, within every subsequent term of ten years, of what States, I demand to know? Of the good old thirteen States? I suppose so; for, most assuredly, Mr. Chairman, if the first mentioned part of the clause only relates to old States, the latter part cannot relate to new ones. Then, sir, by what authority do you take the census of any State which has been admitted into this Union since the formation of the Constitution?

This is a dilemma in which we shall always be found, when we attempt to exercise powers which have been retained by the people. But, sir, if, notwithstanding what has been stated, it be yet contended that Congress has the power to impose conditions upon Missouri, let us see whether, by the treaty of 1803, by which Louisiana was acquired, the right to impose this condition has not been surrendered. By this treaty Louisiana was ceded to the United States in full sovereignty. There was no condition (as in the case of the cession of the Northwestern Territory) that slavery should not exist there; but, on the contrary, by the third article of said treaty it is declared, "That the inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of citizens of the United States; and, in the meantime, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess."

Now, sir, it is a fact, which cannot be denied, that there were slaves in Louisiana at the date of this treaty, and that the property of the master in his slaves had not only been recognised by the Government of France, but by the Governments of Spain and England, and maintained by each of them. Slaves, then, were a species of property existing in the country at the time of its purchase; and can any man suppose that the contracting parties were ignorant of this fact? They knew that this description of property did exist there, and with this knowledge they did agree to maintain the inhabitants in the free enjoyment of their

liberty, property, &c. They are to be admitted into the Union as soon as possible. And when is it possible to admit a State into this Union? It certainly is possible to admit a State without this condition; it was possible long since to admit her; and we have not done it, and we still refuse to do it, unless she will agree to set at liberty her slaves. But, say gentlemen, this condition which we propose is in the nature of a compact; we do not, say they, attempt to set at liberty her slaves, we only say to her that this is the condition upon which she shall come into the Union. It amounts, then, to this: we have made one contract with Missouri, which is found in the third article of the treaty of 1802; we now tell her that we do not like that contract much, that we are not exactly willing to comply with it, but that, if she will make another contract with us, we will fulfil our first mentioned engagement. Sir, this is a method of fulfilling contracts which cannot be understood by the honest and unsophisticated yeomanry of Missouri, or of any other country.

But, sir, suppose we yield to gentlemen the Constitutional power—the question will then arise, ought it now, under existing circumstances, to be exercised? I put this question to those who contend for restriction. Is it possible for you to effect your object? Suppose you have in this House a majority of votes—what then? Do not the Journals of the Senate show us what there has been the fate of this measure? If you persevere in your present course, Maine and Missouri must both sink. What then will you have effected? Will you have prevented, as you propose to do, the extension of slavery? No, Missouri will still be left open for the reception of slaves. She will continue rapidly to increase every description of her population. And do gentlemen suppose that she is to be kept in a state of vassalage forever, because she will not submit to the imperial dictates of their consciences? Sir, we have been asked, during this debate, what will Missouri do, if we refuse to admit her; will she resist the Government? Sir, gentlemen ought to remember, that, although Missouri be an infant, she reposes upon the laps of eleven mothers. And, let me tell you, sir, that, if ever Missouri subscribes to this humiliating condition, her name will be written in characters of blood.

Sir, I hope Missouri, let her fate be what it may, will continue to act (as she has heretofore done) with moderation. I know, sir, that she will not, driven by anger or despair, appeal to the last resort of men or nations. She will not, she cannot war with you. But, sir, push these measures; convince her that upon this condition alone can she be received, and, with all the calmness, but with all the majesty, of insulted justice, she may tell you that she will govern herself. Sir, the day will come when the people of this country will coolly and fairly investigate this question. Then, sir, will be demanded of their representatives, why for naught they have sacrificed Maine and Missouri both. Then, sir, will you be required to lay your finger on that part of the charter of the liberties of the people from which you derive this

H. OF R.

Contingent Expenses of the House.

FEBRUARY, 1820.

power Then, sir, shall we be asked, if we cannot be bound by a solemn treaty, by what we can be bound? Then, sir, shall we be reminded that all powers, not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

THURSDAY, February 24.

The SPEAKER laid before the House a letter from the Secretary of War, enclosing a report of the Third Auditor of the Treasury, and of the Commissary General of Subsistence, in relation to "the expense of furnishing the Army with rations for one year, ending on the 14th of April, 1818, exhibiting the average cost per ration, and also the average cost per ration for one year, under the provisions of the act of the 14th of April, 1818, entitled 'An act to regulate the staff of the Army,' rendered in obedience to the resolution of this House of the 17th day of December last; which was ordered to lie on the table.

The SPEAKER also laid before the House a report from the Secretary of the Treasury, made in obedience to the resolution of the House of Representatives of the 1st of March, 1819, "directing him to transmit to Congress, at an early period in the next session, a general statement of the condition of the Bank of the United States and its offices, similar to the return made to him by the bank; and a statement exhibiting, as nearly as may be practicable, the amount of capital invested in the different chartered banks in the several States, and the District of Columbia; the amount of notes issued by those banks, and in circulation; the public and private deposits in them; the amount of loans and discounts made by them, and remaining unpaid; and the total quantity of specie they possess; and also to report such measures as, in his opinion, may be expedient to procure and retain a sufficient quantity of gold and silver coin in the United States, or to supply a circulating medium in the place of specie, adapted to the exigencies of the country, and within the power of the Government;" which was ordered to lie on the table.

Mr. LOWNDES, from the Committee on Foreign Relations, reported a bill designating the ports within which, only, foreign armed vessels shall be permitted to enter; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. STORRS, from the committee to whom was referred the petition of the Muhheconnuck, or Stockbridge nation of Indians, made a report thereon, accompanied by a bill, confirming the title of the Mohican, or Stockbridge nation of Indians, to certain lands; which was read twice, and committed to the Committee of the Whole to which is committed the bill for the establishment of additional land offices in the State of Illinois.

On motion of Mr. CRAWFORD, it was

Resolved, That an act of the Legislature of the State of Georgia, entitled "An act to grant certain powers to the commissioners of pilotage for the port of Darien, and to authorize them to collect tonnage duty on ves-

sels," be referred to the Committee on Commerce, and that said committee be instructed to inquire into the expediency of giving the consent of Congress to the operation of said act.

On motion of Mr. STROTHER, a committee was appointed to inquire into the circumstances under which powder and lead have been loaned by the War Department, or by any officers of the United States Army, to certain individuals, and into the causes and extent of delinquencies in the Paymaster's and Quartermaster's departments, and that they be authorized to report by bill or otherwise; and Messrs. STROTHER, TRACY, HOLMES, JONES, of Tennessee, and ROBERTSON, were appointed the said committee.

On motion of Mr. TRACY, the Secretary of the War Department was directed to communicate to this House copies of any agreements which may have been made with the firm of Stull and Williams, or their surety or sureties, relative to the loan to the said Stull and Williams, of powder, by the War Department, or the repayment thereof; and also to inform this House whether any moneys, and what sums, have been advanced to the said Stull and Williams, or to their surety or sureties, on any contract or contracts made with them, or either of them, relative thereto; and also to state the funds from which said advances have been made.

CONTINGENT EXPENSES OF THE HOUSE.

Mr. RANDOLPH rose to make a motion, which, he said, he should very much prefer to have made by any other member than himself, but which he felt it to be his duty to bring forward; and he trusted that, whatever others might think, or however others might act, he should never feel a disposition to shrink from the discharge of his duty. It was impossible, Mr. R. continued, for any man to see what was going on here—abuse heaped upon abuse, like Pelion upon Ossa, until it was impossible to tell where it would end—it threatened to reach the skies. This House, he said, was emphatically intrusted with the purse-strings of the nation. He hoped it would not prove to be the case that the people had, according to a well known maxim of law, trusted the lamb to the custody of the wolf. He had said that this House was intrusted with the purse-strings of the nation; and it behooved it, as the grand inquest of the nation, also, to inquire into abuses of every description, but first, to pluck the beam from its own eye, before it attempted to take out the mote from its brother's eye. It had been his misfortune, Mr. R. said, especially since the agitation of this Missouri question, not to be "able to sleep o' nights," and he consequently often rose before daybreak. These early risings had been the means of putting him on the scent—he was not sure of the true game—but of something like speculation or abuses, in a very small way, in the contingent expenses of this House. It behooves us, said Mr. R., as the guardians of this *imperium in imperio*, if we are arraigned at the public bar—much more if we arraign others—that we appear with clean hands—that there be no blot or stain upon them. In the course of my lucubra-

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

tions, I have sometimes started a question which, although we may approximate to the truth, is as impossible to be ascertained as the quadrature of the circle; and will, no doubt, be discovered with the solution of that opprobrium of geometry, with the philosopher's stone, the perpetual motion, or the grand arcanum—the *elixir vite* itself—when men shall quaff immortality and joy—or rather misery—for death, sir, with all his terrors, is our best friend, if we know how to use life, and comes to deliver us from the vexation and strife of this trumpery world. I have, continued Mr. R., endeavored to ascertain the pay of a member of Congress; but, with all the means I have used, it has eluded my search, and will continue so to do, I have no doubt, to the end. Those who write circular letters, and keep up a voluminous correspondence, and those who receive more letters than others receive, through the privilege of franking and stationery, a greater compensation than others. He would mention one fact to show how it is the nature of abuse to grow on what it feeds on—and it may be ominous; it may “cut love”—they had made him, for the first time in twenty years, a present, at this session, of a knife; and he believed he should carry it home as a *spolia optima*, and hand it down as a trophy of his public service of some twenty years, nearly fourteen of which—just double the time, Mr. R. said, that Jacob had served for Rachel—had been spent in opposition to what is called Government—for he commenced his political apprenticeship in the ranks of opposition; and, could he add fourteen more to them, he supposed some political Laban would double his servitude, and condemn him to toil in the barren field of opposition; for he despaired of seeing any man elected President whose conduct he should entirely approve—he should never be in favor at Court, as he had, somehow, as great an alacrity at getting into a minority as honest Jack Falstaff had at sinking. It was, perhaps, the place he was best fitted for, Mr. R., said, as he had not strength to encounter the details and drudgery of business; habit had rendered it familiar to him; and, after all, it was not without its sweets as well as its biters, since it involved the glorious privilege of finding fault—one very dear to the depraved condition of poor human nature.

But in relation to the contingent fund of this House, said Mr. R., when he had the honor of belonging to the Committee of Ways and Means, they were so incessantly pestered with accounts for candles, and wood, and molasses, and water, and what not, that at last, at his suggestion, a committee was raised expressly to audit and settle the accounts of the contingent expenses of this House. People were constantly coming to that committee and complaining that they could not get paid, although the clerk showed their receipts in full. They were asked how was this? And were answered by these men, that they were obliged to give receipts in full to the clerk, before they could get their contracts, and then he would not pay them, it being a personal engagement of his own. They were told by the committee that it was an affair between themselves and the clerk—that

they had bought the contracts by letting the clerk have the use of their money, and that if their sweet turned out sour, they must make the best of a bargain creditable to neither party, and made at our as well as their expense. Whether or not they ever got paid, Mr. R. did not know. He knew that that clerk was a public defaulter, and he was not sure the balance due by him had been paid. Mr. R. cast no imputation on the present clerk. The abuse to which he referred, was not under his control. Mr. R. then read the resolution, as follows:

Resolved, That the Clerk do prepare and lay before this House, a statement of the annual amount of the contingent expenses thereof, from the commencement of the present Government, to the 30th of November last; distinguishing the expense of stationery, printing, fuel, lights, furniture, attendants, and their assistants; with a statement of the amount and nature of the perquisites of each.

Mr. R. wished the accounts of the present session kept separate, for they would, he thought, constitute a curiosity, a volume in themselves. This, it would be observed, was not a joint resolution. He deemed too reverently of the honor of the other body, and knew too well what was due to comity and courtesy between the two Houses, to meddle with their affairs. Let them manage their affairs in their own way, said Mr. R.: it is a maxim very dear to me on other subjects, [meaning the Missouri question, it was understood] as well as this.

The resolution was agreed to.

THE MISSOURI BILL.

The House resolved itself into a Committee of the Whole, on the Missouri bill—

Mr. FULLER, of Massachusetts, spoke as follows:

Mr. Chairman, since the establishment of our Constitution, a more interesting subject than the question now before the Committee has never been debated in the Legislature of the nation. The interests and character of our country may be involved in the issue “whether a new State, beyond the original limits of the United States and their dependent Territories, shall be admitted into the Union, without providing by her constitution, and as a condition precedent, that the further introduction of slavery shall be forever prohibited?” It is in vain, sir, that gentlemen would confine the discussion of such a question as this to the hall of legislation. It is vain to attempt to stifle the public feeling and the public voice. The freemen of our country can never be insensible, when the rights of a numerous portion of their fellow-creatures, natives of the same soil, are in controversy; they will never be silent, when the victims of oppression require an advocate. Instead of censure, which some gentlemen have so lavishly bestowed on the press for its wide diffusion of the public opinion, I rejoice that such an organ exists, which inspires and communicates, with the rapidity of lightning, a simultaneous sentiment in various and remote sections of our country. Public opinion, Mr. Chairman, is the real sovereignty of the people. This is the potent talisman which must forever hold in check the projects of intriguers, and arrest the enterprises of am-

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

bition. The unprincipled sycophant, who would willingly enlist himself under the banner of power and patronage, cannot forget that he is amenable to this tribunal. He dares not encounter the contempt and odium of an enlightened public, and reluctantly does his duty. Nor is it unimportant to remark, that, without such a salutary influence of the people, through the primary assemblies, their petitions, and the press, as well as by the frequent recurrence of the election of their rulers, neither our Constitution nor any free Government could long exist. The intelligent and patriotic statesmen who framed our great national compact were fully sensible of this. The elective franchise is the pivot on which the instrument turns, and the liberty of the press and the right of petition are strongly guarded. Surely, then, the gentlemen who complain that the "press groans with pamphlets," and that "towns, cities, and even obscure villages, teem with politicians," who are "loading our table with memorials, petitions, and remonstrances," have no reason to consider legislative rights as invaded. It is even to be hoped, that those who disregard the wishes of their constituents will at least condescend to listen to their reasons. And let it be remembered that many of these memorials emanate from statesmen by no means inferior to the members of this or any other legislative body.

But, sir, it is not merely the American public that takes cognizance of, and will pass judgment upon our decision of the present controversy. All Europe, the whole civilized world, are spectators of the scene. Our Declaration of Independence, our Revolution, our State institutions, and, above all, the great principles of our Federal Constitution, are arrayed on one side, and our legislative acts and national measures, the practical specification of our real principles and character, on the other. If we proclaim the glorious truth, that "all men are born free and equal" in our constitutions, and, while acting under them, forge the chains of millions of our unoffending species, can we expect to escape derision and contempt? Despots and their minions may justly despise, while the wise and good of every nation must pity our infatuation, or execrate our hypocrisy.

Some gentlemen have affected to treat these memorials as the ebullitions of passion; of unenlightened mobs, wrought up to angry hostility against the Southern States. Nothing is more unfounded. The materials of which mobs are created are not to be found in those parts of the Union from whence these memorials come. Even in times of national distress, assemblages of the most suffering classes, though zealous, and sometimes tumultuous, are never outrageous. Their keenest resentment can seldom be hurried, by cunning and misrepresentation, into violation of law. On the present occasion, their proceedings were generally as cool and dispassionate as their Representatives can exhibit on this floor. The Legislatures themselves, in many of the States, with the usual deliberation of such bodies, passed resolutions of similar import. And, so far from hostility to the South having any share in those proceed-

ings, it will be found that sentiments of respect for the Southern States, and a strong explicit recognition of their Constitutional rights to hold their slaves, subject only to their State regulations, are fully and clearly avowed.

In determining on the right of Congress, by the Constitution, to require the restriction of slavery as a condition on which a new State shall be admitted into the Union, it may be useful to consider the general objects of the union or confederation of the States; and the Constitution, as the instrument, by which those objects were to be effected. To preserve the citizens of the United States in all their rights against foreign and domestic violence, was the general object; to all this its provisions were intended to be subservient. The interpretation of any section or clause must always keep this paramount purpose in view. The municipal concerns of the particular States were to be regulated by themselves so far as should be compatible with the exercise of the powers conferred on the National Government. As a general line of demarcation, it may be sufficient to say, that the General Government have the direction of the *external*, and the States of the *internal*, regulations. It is obvious, however, that the faithful and effectual performance of the high duties assigned to the Federal Government, must often require the exercise of important functions within the limits of the particular States; such as laying and collecting taxes and duties, levying armies, establishing roads and other communications with the frontier, essential to defence against invasion. The power to admit new States, given to Congress by the third section of the fourth article, whether it related to those which might be formed by dismemberment of the original States, or to those to be formed in territories, could not but include a power and a duty in Congress to ascertain whether the proposed State possessed the character and interior qualities, which should entitle her to admission. The power to ascertain and determine could not imply less than a power to refuse, in case the requisite character and qualities were wanting. If this be established, though I am aware it has been often denied, but, as I think, with little plausibility, it is unnecessary to explore the other articles of the Constitution on the present occasion. Our only inquiry then is, whether a system of interior regulation in the proposed State, by which slaves are to be admitted and indefinitely multiplied, is of such an objectionable character, as to warrant a refusal by Congress to admit; or what is exactly equivalent, to announce, as an indispensable condition of being admitted, that the new State must provide by her Constitution against the further extension of the offensive system. Our opponents seem to admit these principles in part; but to confine the attention of Congress to the population, and so far only to the constitution of the candidate for admission, as to see that it is republican. Even from this concession it would not be difficult to show, that enough is admitted to authorize the restriction of slavery by the Constitution, as nothing is more easily demonstrated, than that the establishment of slavery is a direct violation of the very first prin-

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

ciple of republican government—political equality. Some of the adversaries of restriction have said, that, if Congress possess the right to inhibit slavery from the new States, why require their consent to the measure? We ought, say they, to enact at once the prohibition, and our asking their consent is an acknowledgment that we have no right to enforce it. While they remain territories, I would reply, we may prohibit slavery by an act of legislation; our power being equivalent, by the third section, fourth article, to that of the State Legislatures within their respective jurisdiction. This power, however, on their becoming States, would be transferred to their own legislatures, unless restrained by a fundamental article of their constitutions, founded on compact. This is the only way in which the National Government can insure a continuance of the prohibition.

Individual States are not restricted by the Constitution from making treaties or compacts with the General Government, though they are so restricted as to foreign nations, and also without the consent of Congress for making such compacts with each other. The act of Congress itself imparts to the territory, which is proposed to be made a State, a sort of corporate existence, by which it is enabled to choose delegates for a convention, to form a constitution, and to perform all the acts of individuality necessary to a consummation of the object. Among those acts is the making of fundamental compacts, and engrafting them upon its Constitution. An instance of this sort is the agreement of most of the new States, stipulated in their several constitutions, to exempt the lands of the United States, within their limits, from taxation. By the same authority they may stipulate to exclude slavery, and any other reasonable condition. The States of Ohio, Indiana, and Illinois, accordingly, stipulated to prohibit slavery, in compliance with the famous ordinance of 13th July, 1787, an ordinance which alone will consecrate to posterity the virtuous and enlightened members of the last Congress under the old Confederation. It was not the venerable individuals who composed that body, but the feeble powers of the system under which they were constituted, which had lost the confidence of the nation.

In supposing the contrary, the gentleman from South Carolina (Mr. PINCKNEY) must allow me to differ from him. He will find the names of those patriots foremost in the service and confidence of their country for many years after the period in question, and, indeed, during the remainder of their active lives. The admission of a new State into the Union is no act of legislation, but a compact merely. The parties are, Congress, in behalf of the United States, on the one hand, and the new State on the other. The compact contains the stipulation of the latter to support the burdens, and to perform the duties of a member of the political family; and of the former to admit her to share the legislative power and the common protection. The Federal Constitution itself was merely a compact between the thirteen original members of the Union.

It has been earnestly contended, however, that,

when the word State is used in the Constitution, it has a well defined meaning, and that a body politic, possessing other powers and attributes, whether more or less, cannot be called a State in that instrument; and another gentleman from South Carolina, (Mr. LOWMEDE,) has endeavored to show, that, if Congress should admit into the Union a body politic, possessing powers or attributes different from those possessed by the original States, it would be an assumption of power not conferred by the Constitution. The power to admit States, given by the section above-mentioned, means, he argues, to admit other bodies politic with political powers exactly commensurate with those of the States then existing, and consequently, to admit other and different bodies politic, must be a usurpation. Hence, he proceeded to show that such an innovation might lead to the most dangerous consequences; to compromises and conditions on the part of the new States, which might keep them in a state of vassalage and dependence on the General Government, and make them ready instruments to subjugate and oppress the original members of the Confederacy. Such consequences may, indeed, excite alarm, but they are utterly chimerical.

The authority of the General Government over the Territories, while they remain such, is very extensive; "to make all needful rules and regulations respecting them, comprehending legislative and executive jurisdiction. As these territories can never demand admission into the Union as of right, it is apparent that any approximation by them towards the full enjoyment of the attributes and powers of the original States, must diminish the danger of their becoming instruments of ambition or tyranny in the hands of the General Government. And, if Congress have discretionary power to continue them in their territorial and dependent condition, or to admit them as a States, with all the rights and attributes, it would be extraordinary if this full consummation of rights as States could not be attained by degrees, but must, of necessity, be the effect of a single act. And, unless it is contended that the expression, Congress "may admit," means Congress shall admit, by which all discretion is taken away, and the power of admission a mere mockery, it must be conceded, that the Territories are to remain such, until Congress shall consider a change of their condition consistent with the spirit of the original confederacy, and the well being of the existing States. The gradual advancement of the Territories to the condition of the original States, is not only prudent and reasonable, but has been the common mode in regard to them. They are first invested with powers of local legislation, subject always to the revision of Congress; a revision not unfrequently exercised, and thus they are trained to a knowledge of the functions of independent members of the national family.

The last mentioned gentleman has earnestly contended that, as the original States are all politically equal, so the new States already admitted, and all hereafter to be admitted, must necessarily be so; that the inequality of the political rights of any

H. of R.

Admission of Missouri.

FEBRUARY, 1820.

State with her sister States, must disturb the balance of the Constitution, and endanger the existence of the Union. To this objection, somewhat differently stated, I have already attempted to reply, by showing that the Constitution contemplated the existence of territories, whose continuance as such must depend on the discretion of Congress, in the sound exercise of their legitimate powers. But let us approach the argument more nearly, and see how far this political equality of the States is essential to our national Union; how far, in that view, it is established by the Constitution itself, and has been maintained in admitting new States.

The population, wealth, and physical advantages of some States, are very far superior to those of others. The civil institutions, the system of education, and the moral character and habits of industry in some States, give them a decisive superiority in those respects; all which create an actual and unavoidable inequality among the several members of the Union, which no theoretical principle of equal political rights established by the Constitution, if it were even attempted, could effectually counteract. Thus, the Southern States possess the great staples of agriculture; the Eastern and Middle are distinguished by their industry and commercial enterprise, and by their civil and literary institutions; while the States in the West possess, in different degrees, all these advantages. In the event of internal dissensions, and of actual hostility, between the different sections of our country, these physical and moral inequalities, and not an imaginary or real difference in the rights of the several States under the Constitution, would lead to fatal consequences, and endanger our existence as a free and united people. In truth, the political equality of the States is nowhere preserved, since the old confederation expired, but in the Senate. In the other branch of the Legislature, the difference between the largest and smallest States, is more than twenty to one. Even the principle itself, which is the basis of representation in that branch, is clearly unequal, and was at the time when the Constitution was established. In many of the States, the black population was, at that time, in a condition of slavery; in others slavery was not tolerated; now slaves are either persons or property; if the former, then the States which contained them were entitled to include them in their census, and to send representatives to Congress in proportion to their whole number. On the other hand, if slaves, having no political rights or influence in the States, are mere property, the States ought not to send any representatives whatever, in consequence of possessing any amount of such a commodity. I do not mention this for the purpose of complaint, but merely to show that a fundamental principle of political inequality is to be found in the Constitution itself, by which the slaveholding States have either twenty-five representatives too many, or about sixteen too few. The gentlemen may choose either branch of the dilemma.

But, sir, I cannot forbear expressing my surprise, that the honorable gentleman, and several others, who have insisted on the same argument, should

have shut their eyes on the palpable fact, that all the new States admitted since the Constitution was formed, have been required to establish a fundamental article in their several constitutions, which not merely abridges, but absolutely mutilates their sovereignty. In all the thirteen original States the vacant lands within their limits were the property of the States, respectively; in the new States, all lands are retained in fee simple, as the property of the United States; and each State expressly stipulates and provides, by its constitution, never to levy any tax on the lands of the United States within its limits, until five years after it shall be alienated. If any attribute of sovereign power is more precious than all others, it is the right of taxation; of providing means for the support of Government; for internal improvement, and external protection. Yet this concession has invariably been required on the one part, and yielded on the other; nor has the vigilance of the guardians of State rights, and of the political equality and sovereignty of the States, ever sounded the alarm for this gigantic usurpation. Let these gentlemen, too, who treat this right of taxation as a matter of slight concern, reflect for a moment on the power it gives to the National Government, to raise up within the limits of any or all the new States, an adverse influence, capable of controlling their measures. These lands, so held, in the bosom of the new States, in most instances, constitute above three-fourths of their territory. The National Government, instead of selling them in the market, as it has hitherto done, may give leases for ninety-nine, or nine hundred and ninety-nine years, either of which would produce as high a price as the alienation of the fee itself. They would in that case, however, remain still the property of the United States, and consequently, by the articles of agreement between the United States and the new States, and by the constitution of the latter, they could never be taxed by the State. The burdens of the taxation must, in that case, fall on the other portion of the citizens, and the tenants and lessees of the United States would be exempted. Does not the existence of such a power in the United States impair the sovereign authority of the new States, and, therefore, produce on their part "political inequality," a vast inferiority? That the National Government may probably never abuse the power, and may even employ it with a paternal view to the welfare of new States themselves, as well as for the advantage of the United States, has no tendency to weaken the force of the argument. It is probable, however, that the United States will not, for many years, or perhaps for centuries, alienate all the national domains in the new States, and such as are not alienated must be exempted from taxation.

The right of taxation, I have already remarked, is one of the indisputable attributes of a sovereign Power. Of those retained by the States from the National Government, scarcely one is more indispensable to their existence, as bodies politic. Gentlemen who are so jealous, when the least approach is made, that may bring the nation in contact with

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

the bulwarks of State sovereignty, ought surely to admit, that a State, which is interdicted from touching, for public purposes, one half the territory within her limits, is shorn of half her beams. Instead of this, however, they seem to consider it a trifling restriction, while the restriction of slavery, now proposed to Missouri, as the condition of her becoming a State, is an all-devouring monster, which is to swallow up the liberties of a continent! The right of legitimate taxation is nothing; the right of establishing and perpetuating slavery is every thing—the dearest of all rights; without which, a new State is degraded to vassalage, unworthy to hold her lofty station in this confederated empire!

And how does it appear that the right to establish slavery is an attribute of sovereignty? Whence is it derived, and how is it proved? A nation possessing sovereign power is not amenable to any human tribunal for its acts, in relation to its own citizens or subjects; but it does not follow from thence, that it has a legitimate right, though it has the power, to do justice! It cannot take the property of one, and bestow it arbitrarily on another; it cannot punish the innocent, or deprive them of their property or liberty. If a sovereign State were to establish the condition of slavery, it must do it by the grossest usurpation; and it might as well fix on any other distinction between the free-man and the slave, as that of color. A difference of stature, or of strength, would be much more natural. No gentleman, that I have heard, has denied that slavery was an usurpation as well as an evil; and yet it is contended that we have no right to require the State of Missouri to prevent its further existence there.

A gentleman from Virginia, who spoke early in the debate, asserted, that the question was not, whether slavery was an evil, or whether it was within the legitimate exercise of sovereignty to establish it; but, whether the other States, Virginia for instance, not being prohibited from acting freely to establish or abolish it, the State of Missouri, and other new States, could be restricted or controlled in relation to it. Virginia, said he, and Pennsylvania, and the other original States, exercised their sovereign right to judge whether the establishment of the condition of slavery was an attribute of sovereignty or not; therefore Missouri cannot, without usurpation, be deprived of the same right. The argument from the power permitted to the original States, being founded on the dogma that the new States must have the same powers, has been already proved to be fallacious, and the restriction of taxes upon the public lands has been adduced as a refutation in practice. But, as the gentleman last alluded to placed great stress on this refined argument, and exerted his ingenuity to show that the "terms and conditions" prescribed by Virginia, and agreed to by Kentucky, as the price of her admission into the Union, did not impair the sovereign rights of either, I shall devote a moment's attention to prove, that those "terms and conditions" did, in fact, restrict both Virginia and Kentucky in the exercise of an attribute of sovereign power much more clear than

the right of establishing slavery. Passing over the stipulations in relation to taxing the lands of non-residents, I shall confine my observations to the seventh condition, which provides, that the navigation of the river Ohio shall be free to all the citizens of the two States, and of the United States, and that the jurisdiction of the river shall be concurrent only with the States on the opposite shore. Now, it may be said, that the navigation of the river between Kentucky and Virginia on one side, and Ohio, Indiana, and Illinois, on the other, would have been common to the citizens of the States bordering on the river, and perhaps even to all the citizens of the United States, without this stipulation. But here I turn the gentleman's argument against him. The States bounding on the Connecticut river, for instance, have never stipulated that the navigation of that river shall be free to all the citizens of the United States. They are permitted to "judge for themselves," whether they have a sovereign right to exclude the citizens of other States from that river or not; therefore, the stipulation in question between Virginia and Kentucky deprives both those States of the right of judging, which the States on Connecticut river possess. Vermont bounds on the Connecticut river on one side, and Lake Champlain on the other. She was admitted into the Union without making any stipulation with regard to the navigation or jurisdiction of either of those waters; the States of Virginia and Kentucky, in a case exactly parallel, have both submitted to a restriction by compact. They can no longer "judge" on that subject for themselves, and, consequently, are deprived of one of the attributes of sovereignty in the same manner that Missouri, by consenting to prohibit slavery, will be deprived of one of her's. The right of navigating public rivers, by citizens of other than adjoining States, may be questionable; the right of a sovereign State to tax all lands within its limits is undoubted; but the right to hold human beings in perpetual and hopeless slavery is only found in the codes of barbarians and despots.

As far as precedents (some of them nearly contemporaneous with the Constitution itself) contribute to disclose its true interpretation, it may be remarked, that not only Ohio, but every new State, has been required to stipulate sundry articles, as the conditions on which alone they were admitted. The exemption of the public lands from taxation was one of the most prominent; and the restriction of slavery, in the very words proposed to Missouri by the amendment now under consideration, was required of Ohio, Indiana, and Illinois. The ordinance of 1787, before referred to, framed almost at the same moment with the Constitution, and recognised among the first acts of the first Congress under it, may fairly be considered as a formal and practical adoption of the principles for which we contend, by a legislative body composed in part of the framers of that instrument and their intimate associates. No opposition to this interpretation is known to have been made by the slaveholding States; and there is no reason to believe that the ordinance was not considered as

perfectly consistent with the new form of Government. Those who now call in question the right of restriction are obliged to contend, as a consequence of their new doctrine, that the ordinance was unconstitutional, and that the restriction of slavery by the States northwest of the river Ohio being stipulated and enacted on such a basis is therefore a mere nullity, and may be rightfully dispensed with at the pleasure of those States. There is no reason to fear that those happy, flourishing, and enlightened States, would now introduce the deleterious poison of slavery into their civil code, to wither their energies and burlesque their principles of liberty, even if no stipulation to the contrary existed. But we ought to note the pernicious tendency of an innovation in the established construction of our national compact, which, after forty years' uniform practice, now threatens, like a tempest, to sweep away our fairest institutions, and to prostrate the bulwarks of our prosperity.

But, say gentlemen, if Congress can prescribe one condition—such as the restriction of slavery—what are the limits of this restricting power; where will the impositions on the new States find a check? The power given to admit new States, with the single exception of States formed by dismemberment of the existing States, is in the same unlimited terms as are employed in vesting in Congress various other important powers—to levy taxes, raise armies, and declare war. If Congress were to levy unnecessary taxes, to raise useless armies, or make war for slight causes or no cause, would the nation tamely submit to the abuse of power, because the *letter* of the Constitution was not violated? Sir, the indignation of the people would quickly annihilate the “brief authority” which was become an instrument of oppression. Congress may indeed mistake the interests of the nation in the exercise of those important powers; and even a *mistake*—frequently unavoidable from the nature of human affairs, must be fatal to the popularity of its authors. How then can they hope to escape who voluntarily wrest the power intrusted to them to the purposes of ambition or tyranny? Such a disregard of public opinion and official duty can never be apprehended under color of *unlimited* Constitutional powers. So, in the admission of new States, the power intrusted to Congress is, from its very nature, limited only by sound discretion and official responsibility. In one respect, however, the remote possibility of an unreasonable exercise of this discretion is subject to an effectual check: the conditions required cannot be imposed on the new State without its *consent*. The terms of the compact are mutually proposed and considered, and there is not a shadow of ground to apprehend that the vigilance of the new State will be cheated into a concession against its interests. A further check is to be found in the real interests of the United States being generally identified with those of the proposed State. The condition now required of Missouri is even more evidently conducive to her interest and prosperity than to that of the nation.

The only exception to this remark may perhaps be found in the exemption of the public lands from

taxation; but even this may be shown under the existing regulations, in the sale of those lands, to facilitate their sale and settlement by a temporary alleviation from public exactions in favor of industrious settlers. It is also manifest that Congress cannot prescribe a condition which may be contrary to the spirit and tenor of the Federal Constitution, or which shall impair the right of the State to her share in the National Government; or a condition which shall contravene the republican principles of all our institutions.

I proceed to consider, Mr. Chairman, the argument of those who contend that we are bound by the treaty (1 U. S. Laws, p. 134) by which the province of Louisiana was ceded to the United States, to admit Missouri as a State without restricting her on the subject of slavery. The third article of the treaty stipulates, “that the inhabitants shall be incorporated in the Union, and admitted as soon as possible, according to the principles of the Federal Constitution, to all the rights, advantages, and immunities, of citizens of the United States, and shall be protected, in the meantime, in their liberty, property, and religion.”

Our Constitution was formed with a view to the then existing States, and to the territory within our limits and jurisdiction, as established by our treaty with Great Britain. The power conferred on Congress to admit new States, cannot be construed to extend beyond those limits. Accordingly, when the Louisiana treaty was before the Senate for its approbation and concurrence, both its friends and its opponents agreed, that neither the treaty-making power, nor even Congress itself could stipulate with a foreign nation to admit one of its provinces, beyond the original limits of the United States, into the Union as a new State. The present Secretary of State was then a member of that body, and expressed his opinion to that effect. He was, however, so decisively in favor of the treaty, that he suggested an amendment of the Constitution itself, to give effect to so important an acquisition as Louisiana. Mr. Taylor, who is still respected as one of the most eminent statesmen of Virginia, declared, he considered that the article in question did not intend to stipulate to admit the province as a State, but that “the words were literally satisfied by admitting it as a Territory,” and not as a State, and by naturalizing the inhabitants, and protecting their property, as in other Territories. When the treaty came before the House of Representatives, for the purpose of making the necessary appropriation to comply with the conditions, or for the establishment of a Territorial government, a similar construction was given to the third article; and, among others, a gentleman from Virginia, (Mr. Randolph,) who at that time strongly supported the treaty and the Administration, said “there was no stipulation that they should ever be formed into one or more States.” It is also well known that President Madison, then Secretary of State, maintained the same doctrine. Had the stipulation provided to admit Louisiana, as a State or States, into the Union, it must unquestionably have been rejected,

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

or have awaited the consent of the people by an amendment to the Constitution.

Notwithstanding this sentiment, so generally concurred in at the time, a portion of the new territory was formed into a State, and admitted in 1812 into the Union. From what source the powers of Congress were deduced, or what new discovery on that subject was made in the intervening time, I have never been informed. It is probable, however, that the attention of the statesmen then in Congress was wholly engrossed by the imminent dangers that beset our country, then on the verge of war with the most powerful empire of the European world. We have some consolation, however, in observing, that the internal character and institutions of the proposed State, inhabited chiefly by a population so lately governed by the laws and usages of despotic countries, were not disregarded; and she was expressly required to provide by her constitution for the establishment of "civil and religious liberty, trial by jury, and the writ of *habeas corpus*," with other salutary principles.

Louisiana being thus admitted, I shall not now contest her right to that high privilege; but, while I consent to consider her admission as a precedent to guide our decision in the admission of Missouri, I must also require that the whole proceedings, comprehending the terms and conditions which formed their basis, must be equally recognised, or the whole must be abandoned together. If all doubt of the right of Congress, by the Constitution, to admit Louisiana, is waived in favor of the present applicant, it is no more than reasonable that all the bearings and conditions of the precedent should be equally considered and allowed. Our opponents, however, are not satisfied with the effect of the precedent, and allege that the ratification of the treaty, and the acts of Congress making the appropriations necessary to its execution, have given it such a sanction, that the national faith is pledged for its complete fulfilment. I agree that a treaty made and ratified by the President and Senate, agreeably to the provisions of the Constitution, is morally binding on Congress and the nation. It is, indeed, a doctrine strenuously supported by some, that Congress may decide upon the merits of a treaty previously ratified by the competent authorities, and either grant or withhold the appropriations necessary to its execution. This doctrine, if true, involves the necessary consequence, that Congress may not only annul a treaty constitutionally made, but that any subsequent Congress may virtually rescind it, so far as its provisions remain executory, and depend on appropriations or other acts, to be passed by all the branches of the Government. In other words, no power exists in the Government of the United States to make a treaty which shall be obligatory on the nation or its Legislature. This dangerous and absurd doctrine has been ably resisted, and, in my opinion, refuted, many years since. The power to make treaties, conferred on the President in concurrence with the Senate, is as general as language can make it. They have, then, by the ordinary rules of interpretation, the same power on that subject which exists rightfully in other govern-

ments as a necessary attribute of sovereign power. The British Parliament, with its boasted "omnipotence," never pretended to arrest the execution of a treaty by withholding supplies; yet the relation of the House of Representatives to the Executive of the United States is precisely analogous in this respect—it holds the purse-strings of the National treasury. Thus, the Louisiana treaty, being made by competent authority, derived no additional obligation from the acts of Congress at that time, or at any subsequent period. If that Congress could refuse to provide for paying the price, the present may withhold the balance, if any remains unpaid. If the Congress of 1812 admitted a State, carved out of the new province, it must have done so, either because it deemed the admission Constitutional, without reference to the treaty, or because, in addition to its Constitutional right to admit, it considered the treaty as stipulating for such admission. Whether the former alone, or both considerations, produced the act in favor of the new State, it was the mere exercise of discretionary power; and, though we cannot disfranchise Louisiana, since her admission was a compact mutually binding, yet we are at liberty to interpret the treaty for ourselves, and if we find that it does not require the making of States in the ceded province, we may refuse to admit any more, without resorting to a denial of our power to admit by the Constitution.

I have already adverted to the unanimous concurrence of the friends and enemies of the treaty, as far as my information extends, that the article in question contained no stipulation ever to form the territory into States; and the phrase to admit "as soon as possible, according to the principles of the Federal Constitution," beyond all question was introduced with a guarded circumspection, and with a view to the Constitutional right of Congress to admit or refuse, according to its discretion. Hence, it results, that the treaty was obligatory on Congress and the nation; that the acts of Congress in relation to it, could not increase the obligation, and that the admission of Louisiana was an independent act, not a treaty stipulation, and, consequently, is to be regarded as a precedent merely, when considered with respect to the application of Missouri for a similar act in her behalf. To concede that the Executive and Senate can make a treaty, which shall devolve on Congress a moral obligation to admit new States into this Confederacy, would suppose the treaty-making power might extend to annexing to this Union all the Southern Continent, from Mexico to Buenos Ayres and Chili: it would leave no check in Congress to ambition or imbecility of the co-ordinate branches of the Government: and though the power of making treaties is in general terms, and is open to the same great checks which constitute the safety of a free government, yet it can never be maintained, for a moment, that it can annex foreign territories without a limit, composed of heterogeneous and discordant masses of population.

A single treaty, formed by an aspiring President, and such, within our own recollection, have ap-

proached very near that high distinction, might soon reduce our original republic to insignificance, and the principles of our free Constitution to an empty name. However we may confide in the virtue of future Senates, we ought not to forget the potency of intrigue and corruption, always within reach of an unprincipled man in possession of executive power. In other countries the remedy of intolerable evils involves a civil war, and either a dissolution of the government or an aggravation of the enormity. In our well balanced system, the errors of weakness, and treachery of ambition, are quickly discerned amid the cloud of mock-patriotism and intrigue in which they are shrouded; the public indignation dispels the disguise and confounds the betrayers of the national interests. Notwithstanding the remote possibility of treachery in the power of making treaties, the admission of States into the Union being distinctly intrusted to Congress, it is evident that no treaty can be made in derogation of that power. And, even if such a treaty were ratified, the Congress would not merely have power, but would be bound on its responsibility to the nation, to admit no new States, but in circumstances compatible with the interests of the existing States. The discretion must be distinctly exercised in each particular case, and the admission of a new State by one Congress can never involve an obligation upon a subsequent Congress to admit any other State, though its force as a precedent may be allowed as far as the cases are parallel.

We are now brought to consider the actual state of things, under which the application of Missouri is presented. Her population is probably sufficient, and the boundary she asks, though not perfectly satisfactory, is not strongly objected to. But we are informed that she has a considerable number of slaves already, and, from various indications of public sentiment there, it is evident that the existence and indefinite extension of that hapless and pernicious condition of the human species will be made a feature of their civil code. While Congress retained its legislative control over the territory, the subject of slavery escaped attention; and the present slaveholders contend, with some reason, that they ought not to be divested of a property in their slaves, which they acquired by at least the tacit assent of the legislative authority. Their condition, in this respect, seems nearly analogous to that of slave owners in the original States at the time of the Revolution, and perhaps also at the time of forming the present Constitution. The fault in the latter case is thrown on Great Britain alone, and we have been so complaisant and charitable in this debate as to admit the plea. Great Britain was undoubtedly wrong in protecting the abominable traffic; but I must remind the worthy gentlemen who would so easily shake off the odious imputation, that this, like all traffic, supposes *purchasers*, a market, and mercantile profits, as well as *venders*. If the virtuous inhabitants of the slaveholding States had refused to receive and pay good prices for the miserable victims, Great Britain would never have compelled them. The attempts of the Virginia provincial assembly to obtain an

interdiction of the slave trade, were, however, highly honorable to them; and I shall not stop here to lament so great a departure from the same humane system as is at present exhibited.

It may not be reasonable, therefore, to require of Missouri the abolition of her existing slavery. The same forbearance ought to be exercised with respect to it, as the Constitution of the United States indulges to that of the original States. It was left to the prudence and humanity of the States themselves to continue or to abolish it by degrees, and by means most conformable to their views of public good and private virtue. The latter, it was expected, would do much in preparing the victims of servitude for a capacity of enjoying a better condition, and would receive all proper countenance from the enlightened measures of legislative bodies. Such, I do not hesitate to say, was the prevalent sentiment of the non-slaveholding States, and such their confidence in the magnanimous principles of the champions of freedom in the South, who had so lately been associated with themselves in vindicating the rights of mankind. The restriction proposed secures the owners of slaves in Missouri against any encroachment upon the rights they possess. I would even go further, though with great reluctance, and consent to an article in the Constitution which should guaranty them against any act of their own Legislature tending to a similar encroachment.

Can Missouri, or those who support her application, complain of such a reasonable condition? If she does, let her explain her objections. Will she allege that her interests are sacrificed? It is clearly the interest of Missouri to encourage an active and industrious population. The labor of freemen will produce double the labor of slaves. Instead of extensive plantations, each inhabited by a single proprietor, together with an overseer and their families, in the midst of a horde of ignorant, degraded, and miserable slaves, the eye will be gratified with farms of moderate extent, and the families of an intelligent, industrious, and patriotic yeomanry. If she aspires at political power and relative influence in the national councils, let her banish slavery from her borders, and all her myriads of people, and not three-fifths only of the scattered clans of domestic despotism, will send their Representatives to this Hall. If she would be strong in war, let her invite only freemen, who will defend their property, their families, and their freedom: not slaves, who can only seek their own happiness by withering the arm that holds them in bondage. But she alleges that we invade her right—her sovereign right—to hold slaves, or not to hold them, at her pleasure. I have already shown, that it is no legitimate exercise of sovereign power, to make a portion of our species bondmen. Instead of a right, it is the grossest abuse of right that was ever tolerated by a civilized country.

If Missouri would exercise her power by extending over her extensive border the noisome pestilence, which already has poisoned the atmosphere of half this goodly land, she has little claim to the intelligence and moral characteristics which should

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

entitle her to become a member of the Union. If she would not so abuse her power, she can have no reasonable wish to enjoy an empty prerogative never to be exerted. Not only the moral wrong, but the physical evil, and blasting curse of slavery, as now experienced in the slaveholding States, where it exists in its mildest form, are painted in lively colors by the gentlemen themselves; who cannot be induced to suppress the melancholy fact, though it presents an irresistible argument against adding Missouri to the miserable victims of an infatuated policy. And is it to this Moloch that Missouri insists on her right to become a voluntary sacrifice! The right to desolate her fields, and poison the fountains of prosperity; to commit political suicide! Surely the pride, the phrensy, must be incurable, which can persist in grasping such a destructive power. Let us resist its momentary violence, reason, prudence, and virtue, must soon predominate. The power to do good may well be coveted by mortals—to do evil never.

It may be proper here to advert to another argument of the gentleman from South Carolina. We have long since divested Congress, he says, of its right to interpose on this subject in Missouri, by bestowing on her a territorial legislature, competent to all municipal regulations, and this power cannot, therefore, be resumed by the National Legislature. Let me ask that gentleman, how the "compromise," which was first suggested by himself to a committee, of which we were both members, in the early part of the present session, could have been executed by Congress, in his present view of the legislative power of the territories, is correct? That compromise proposed to exclude slavery from all that portion of the Arkansas Territory north of a certain latitude. We have already invested Arkansas with a temporary legislature, and, upon his present principle, have no longer any control in this or any of her internal concerns, [Mr. LOWNDES explained—The lines proposed by him would comprehend none of the settlements of our citizens; he considered such settlements as having vested rights beyond our control, but that Congress might exercise the right of excluding slavery where no such settlements existed.] When the suggestion was made in the committee, Mr. Chairman, I do not remember to have heard the honorable gentleman take this distinction. Certainly it is an important one; it leaves the effect of the excluding principle to be exerted only on a wilderness—it leaves the compromise a shadow. I had really supposed before, that something must be conceded on both sides, to make the transaction a compromise; where all is yielded by one party and nothing by the other, by whatever name it may be called, it is no compromise, but submission. The honorable gentleman is not in fault; he concedes us all which his principle will allow—the privilege of an empty name. *Vox et præterea nihil.*

I must, however, call in question the doctrine, that Congress has parted with all legislative control of the territories, by the mere organization of a territorial government. The acts of Congress are, in their very terms, merely "temporary." Take, for example, the act providing for the gov-

ernment of Missouri; by the 1st section it is enacted, "that the temporary government," &c. This is in the exact words of the acts in relation to the other territories. These acts are frequently revised or modified, as appears by the statute. The territory itself is divided, subdivided, and newly organized, at the pleasure of Congress. Nothing less than the power of entire revocation of the original act would warrant these various subsequent modifications. The right in Congress to prohibit slavery must, therefore, remain in that body, and may be exercised over the territories notwithstanding the existence of the temporary governments.

But it is not to be concealed, that the stern and resolute hostility to the restriction of slavery is not confined to Missouri alone—it did not even originate there. Her interest and true policy demand the salutary measure; her pride alone could never have kindled such a flame of opposition. The jealousy of the Western States is alarmed; they are warned to resist the encroachments of the Middle and Eastern States, who envy their growing importance and political influence. These, too, are the suggestions of men who are loudly deprecating local prejudices. Let not the West listen readily to the insidious charge. It is without foundation. There is no collision of interests between the various sections of the Union. They are in perfect harmony. The rapid increase of Western population, formed, as it is, of emigrants from the shores of the Atlantic, and their descendants, is beheld with pride by their kindred and brethren in the elder States. Their welfare is our welfare—their strength our strength—and their principles, except in the partial admission of slavery, are our principles. We may defy the ministers of disunion to name a single point of contact, where the interests, prosperity, and happiness, of the middle and eastern sections are not in perfect harmony with the western. What better evidence can be given by the non-slaveholding States of their disinterested regard to Missouri, than the efforts now made by them to banish forever from her system the canker which has corroded and enfeebled our less fortunate neighbors in the South? If we were unfriendly or jealous of the new States, a different course might be pursued. No, sir, to confer benefits is not the dictate of hatred. Malignity, alone, can distort deeds of kindness into tokens of envy. A gentleman from Massachusetts (Mr. HOLMES) has thought proper to ascribe the effort now made against the extension of slavery to the same principles which produced the Hartford Convention. But can it be believed that those principles, which, even in the darkest hours of adversity, had but a momentary influence, are now completely triumphant, not only in New England, but in the mighty States of New York and Pennsylvania; that they have crossed the Alleghany Mountains, and embrace in their vortex all the States north of the river Ohio? This extravagant suggestion is unworthy of a moment's attention. The same gentleman takes exception to an expression in the able memorial of the citizens of Boston and the vicinity, that Congress may require such conditions of the new States "as its wisdom, its justice, or its policy,

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

may dictate." As it is to be presumed that the gentleman does not include "wisdom and justice" among the suspected virtues, it can only be the word policy, to which his censure applies; and he seems to understand it only in the Italian or sinister sense. But he will probably withdraw his objection, on being reminded of the old-fashioned maxim, which I trust he was taught in his childhood, that "honesty is the best policy."

In regarding, however, the effects of slavery, the views of Congress must always extend to the good of the whole community. While the exclusion of slavery from Missouri will insure her a more numerous population, more industry, more wealth, and, consequently, a greater representation in the National Legislature, it makes her also a more formidable barrier in war, a more efficient pillar of the national edifice. These advantages require the paternal care of the Government of the Union; they are equally participated by every member; by the slaveholding States in at least their due proportion. It is, then, unjust to represent the restriction proposed to Missouri as a sacrifice on her part, or a reservation of power by Congress, by which the former pays the latter a "price" for admission. No mercenary concession is required, but an honorable and salutary condition, beneficial indeed to the nation, but to the new State the vital principle of future greatness. A benign interposition, the dictate of wisdom and beneficence.

It is proper, however, in considering this great question—great in its consequences to our rising nation, and destined to mark our character to future ages—that we should not overlook the invisible spring that puts the machine in action, and imparts its tremendous force to the opposition. The States of the South, replete with slavery, are tenacious of the privilege of "diffusing" the evil. To diffuse, not to extend, the mischief, is their object; a distinction far too refined for my comprehension. If diffusion, or any mode of depletion, would reduce the residuum of the article, it might be an office of kindness in Missouri, or even in Pennsylvania or Massachusetts, to facilitate so worthy an object. But it is the unfortunate character of slavery to admit no remedy but compression. The flame is harmless when confined, but once allowed to pass its boundary, and the conflagration defies all human power. The efforts of reason, religion, philanthropy, are impotent, indeed, against the cravings of avarice.

When we hear it said by a gentleman from Virginia (Mr. RANDOLPH,) that this land (Missouri) "was bought with our money," it is not to be supposed he means that the money of Virginia, or of all the slaveholding States, was alone employed in the purchase. But such language implies that those States had at least their share in the transaction, and are entitled to the advantages. The fair and honorable advantages are, indeed, to be enjoyed by them, in common with the nation; but does this require that the new States should be open as a slave market, to enhance the value, to encourage the slaveholder in growing the commodity? The "high-minded" gentlemen who oppose the restriction, will certainly disclaim such a mo-

tive. They contend, however, that the prohibition of slavery is an interdiction to slaveholders from removing with their slaves to the new States. This may, indeed, be an inconvenience not easily obviated. The extensive States of Mississippi, Alabama, and Louisiana, however, are still in their infancy, and their vast territory invites the planters of cotton and the sugar cane to bring their surplus slaves from the Atlantic States to those new regions. But to those who insist on their rights to all, it is in vain to urge that less than all may be enough. Let us listen, however, a moment to the other side. If slaveholders cannot remove with their slaves, in case the restriction is adopted, so also, if it is not adopted, the industrious citizens in the non-slaveholding States are proscribed, in a great degree, from the benefits of emigration. Where a system of slavery throws all the wealth and all the political influence into the hands of a few, and where labor is disgraceful, as the proper occupation of slaves alone, the independent spirit which is found among citizens in moderate circumstances, in the non-slaveholding States, will never brook the inevitable consequence of emigration. Freemen, proud of their rights; proud even of their industry, as the basis of their independent condition, will never consent to be ranked by the opulent slaveholder, living by their side, on a level with his slaves. Where slavery prevails, the industry of freemen is degrading, and those who are obliged to earn their subsistence by their own exertions and labor, are in a state of hopeless insignificance. Is it not then equal and just, since so many States have lately been added in the South, where slaveholders can remove, with the advantages they require, that Missouri should be left open to a population which cannot breathe in the atmosphere of slavery? Louisiana is the only State yet established beyond the Mississippi. Slavery exists, and must continue to exist, in that State. If then it were a subject of mere mercantile arrangement between the slaveholding and non-slaveholding States, Missouri ought to interdict slavery. Thank Heaven! we do not adduce this as our principal argument, but only to answer an objection raised by our opponents. No, sir, we would exclude slavery, because we have the power by the Constitution; because it is the dictate of reason, of expediency, of moral right, and consequently of duty. Gentlemen from the slaveholding States offer another argument, which indeed has great weight, and merits a distinct consideration. If, say they, slavery is to be confined to its present limits, and no more States or Territories are to afford it shelter, what is to become of the increasing slave population in the Atlantic States? In those States the slaves have increased in a far greater ratio than the free population: are they to be "pent up" and starved, or to be turned loose to steal, rob, and murder: the certain consequence of emancipation? To escape the distressing scenes which gentlemen have so feelingly depicted, and for the reality of which they point us to St. Domingo, and other islands in the West Indies, they require the extensive Territories and States of the West to receive the supernumerary slaves; and, while they fill their coffers with the

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

price, they rid them of all inconvenience, and of the dread of insurrection. This sale of human flesh may indeed rend asunder forever the ties of parents and children, brothers and sisters, husband and wife, which those gentlemen declare to be the objects of their tenderest solicitude; for a slave, removed a thousand miles, or even much less, must never again behold the beings with whom he has spent his life, to whom alone he is known and united, whose affection is the only sweet he has tasted in the bitter draught of servitude. These consequences, however, are considered slight and trivial, when weighed against the superior claims, the right, the profit, and the safety of his owner. But gentlemen seem to have limited their views to an expedient merely temporal, and to lose sight of the inevitable and fatal catastrophe that must await at least their favorite system.

In the rapid progress of emigration in the settlement of our new States and Territories, the time is at hand when all will be replete with inhabitants; when the tide can no longer roll onward, but must recede, and mingle with its kindred waters. Then where will the statesmen of the day transfer the myriads of slavery, to rescue their country from destruction? No new provinces can be purchased; Mexico will be full to overflowing on the south; the Pacific before them, on the west, and on the north a population to whom slavery is abhorrent. Will they apply to the National Government for a law permitting them to export slaves? If Americans could ever resort to this abominable traffic for relief, where could they find a nation, a province, or even an island, which would receive the victims? All Europe, long ere then, will have denounced and interdicted the odious trade, and there is no doubt that the islands and new republics of the South must adopt the same humane policy. In no distant age, I trust, the monstrous institution of slavery, and the horrors of the traffic, will be alike exploded. The history of the present times will be read with incredulity or with disgust. Some better remedy must be devised for the enormous evil, which will then threaten insurrection, massacre, and wide desolation.

The honorable Speaker has turned his attention to the condition of our country, which we are now considering; but he seems to be unaware of the dangers which must then beset the free population, from the superincumbent mass of slavery. He cheers the friends of African emancipation by assuring them, that, in such a state of things, the labor of slaves will be more expensive than that of freemen, and that consequently the owner will give them liberty, to discharge himself from the burden of their maintenance. But will the safety of the free population then permit the emancipation of such countless hordes of ignorant and destitute beings, whose very necessities must impel them to war upon society? It would be madness; it would be giving them a commission to plunder, ravage, and destroy. I will not say, sir, that, in such a state of the relative numbers of free citizens and slaves, it would be utterly impossible to rescue the former; yet certainly nothing but powerful and hazardous measures could arrest the march of ruin. Even

now, and for years past, the slaveholding States have adopted a code of laws, making emancipation more and more difficult. Indeed, in many it is entirely prohibited. This harsh measure is justified by gentlemen, on the ground that free negroes are pernicious companions to slaves of their own color, and make them discontented with their condition. No emancipation must be allowed, no free negroes to seduce their brethren to desertion, to infest the cities as vagrants, or highways as plunderers. If, in the present state of things, emancipation is so dangerous, that those humane gentlemen, who so deeply deplore the "evil and curse" of slavery, are obliged to enact laws to perpetuate and increase it; if they even now are compelled to this course by the necessity of self-preservation, how difficult, how impossible will they find it, to have recourse to emancipation when the evil shall have outgrown all computation!

To avert so fearful a calamity, let me ask their attention to the immediate interest of the slaveholding States, and inquire, whether the extension of slavery a single inch beyond its present boundary, is not to be resisted far more for themselves than for us? The advantages which they expect by the extension, are transient and inconsiderable; the evil is more remote indeed, but inevitable and overwhelming. Let me conjure their statesmen by the spirit of their fathers; by their reverence of the patriot whose glory is not yet extinguished; by the virtue which vanquished the hosts of oppression; by their respect for themselves, and their regard for future generations, to retrace their steps, to annul their laws against emancipation. Let it be their high prerogative to resist the torrent of prejudice, to stifle the murmurs of avarice and pride.

Let them boldly avow the salutary truth; now is the time to provide a remedy for the abomination, for the curse of slavery. Every moment's delay increases the evil. It is not by insulated and feeble efforts, that the purpose can be effected. A great and simultaneous exertion can alone be equal to the occasion. Such an exertion must be produced by a universal conviction of its necessity. It is only in an enlightened age, and in a virtuous country, that such a concert of spirit and action can be expected to silence the cavils of ignorance and cupidity. A general and sudden emancipation would be the extreme of folly. So great a change in the condition of a numerous class of human beings would be alike destructive of themselves and pernicious to the community. But, when once the States and the slave owners will resolutely determine to accomplish universal freedom, all difficulty will vanish. Slaves will not be denied all means of instruction; they will be taught the rudiments of knowledge, of self-government, and of morality. The most exemplary for industry and fidelity can be emancipated, and portions of the waste lands, which abound in the plantations, can be allotted them on moderate rents. Scarce an age would elapse before the slave population, with such inducements and such means, would assume a new character, a higher grade in the human scale. It would no longer be

difficult to reconcile extensive emancipation with the safety of the free population. The freedmen and their descendants, possessing personal liberty, and protected against oppression, but not necessarily participating in political power, would remain the industrious and happy laborers in the fields, not of their masters, but their protectors. Secured in the fruits of their industry, they would be provident and frugal; the product of their labor would be immensely greater than in a state of slavery, and the proprietors of the soil, their former masters, would derive greater profit from their earnings, with far less care and responsibility.

To those who treat these suggestions as chimerical, the experience of other times and other nations ought to afford an impressive lesson. The vassals and serfs of feudal times were in a condition as degraded and dependent as the slaves of Virginia and the Carolinas. The boors of the Russian and the Polish nobility and great landholders, are attached to the soil and transferable with it. In France, before the Revolution, the laboring classes, though not nominally slaves, were so in reality, and much more wretched than those in our country. Even in England, the country which has so frequently reproached us for the continuance of a system inconsistent with our principles, the laborers in their manufacturing towns are far more miserable than the slaves of humane masters. The latter are sure of comfortable sustenance, and are cherished in sickness and old age; while arbitrary regulation of wages, the liability to be turned from employment, the pestilence of a crowded population, the squalid and loathsome condition of their dwellings, and the horrors of the poor-house, all contribute to make the condition of English laborers in manufacturing towns incomparably worse than the slaves of our Southern States. The wretched beings to whom I have alluded not only wear the human form, but the same color with the higher classes. Yet who would have the courage to proclaim, in those countries, the necessity or even the possibility of meliorating the condition of the inferior orders? Whoever should attempt such an enterprise, would be treated as a preacher of sedition, or a madman. But, can any one doubt that the French Revolution might have been arrested, had the nobility and clergy, who engrossed all the property of the nation, relaxed their oppression only so far as to have participated the public burdens? They were deaf to the warning voice of history, and the terrible explosion of the Revolution prostrated their privileges and ended their oppression. In Russia, Poland, and Germany, symptoms have appeared of a disposition in the sovereign and in the privileged classes, to relax the rigor of their yoke, and impart to their slaves some portion of the rights of humanity, and the fruits of their labor. Possibly, in those nations, a grain of seasonable wisdom may rescue them from the fate of inexorable oppressors. It remains to be seen, whether there is wisdom and virtue enough in England to reform abuses, to relieve the starving and improvident victims of their manufacturing system, before the accumulation of vice, of suffer-

ing, and of oppression, shall thicken to a tempest, and prostrate the monuments of learning, of power, and of glory, for so many ages the boast of that mighty empire.

To the wisdom and virtue of the slaveholding States it must be submitted, whether they will persist in riveting the fetters of their slaves, and shutting every avenue of emancipation, or whether they will devise a great system, which shall improve their condition, and, in due time, extirpate every vestige of that curse and reproach of our country. The difference of color can be no obstacle to the enlightened plan; it must be a perpetual barrier, indeed, against a commixture of blood, and will, therefore, leave to the master superior respect, the right of protection, and the voluntary services and labor of a grateful and happy race. Such a course, once fully adopted by the Southern States, would increase their population and wealth, as the product of labor would increase. Instead of angry collisions with their sister States, mutual esteem and increasing confidence would be the happy result of this magnanimous measure. Such a just and enlightened course of policy, so new in the annals of nations, must attract the admiration of mankind, and the gratitude of future ages.

Our opponents in this debate have frequently indulged in pointed sarcasms and severe reproach on the supposed arguments in favor of excluding slavery, which are founded on religion and morality. While they have thought proper to impute all such arguments to rank hypocrisy, they have not failed to exert all their ingenuity to prove that the extension, or, as they choose to say, the diffusion of slavery, will diminish the evil; and that, consequently, such diffusion is consistent with morality. Many have gone farther, and have asserted that slavery is encouraged in the Old Testament, and not forbidden in the New; from which they infer, that it is not offensive in the eye of Heaven.

It is sufficient for me, sir, to reply, that slavery is oppressive and unjust, an "intolerable evil and a curse;" it cannot, therefore, but be the deepest shade of immorality. Nor can the christian system be reproached with giving any countenance to such an enormity. The Founder of our Religion announced to his disciples that "his kingdom was not of this world;" he intermeddled not with "thrones and dominions," or with the civil institutions of mankind. To these, indeed, he inculcated obedience and submission. In vain should we look in Scripture for any authority to resist the encroachments of despotism; even our Revolution would have found no precept there to break the British yoke and establish our liberties. One sublime maxim, however, comprehends all virtue and all duty to mankind: "Do to others as you would that they should do to you." Let this be universally obeyed, and all tyranny will cease, and resistance be unnecessary. Let this prevail, and the yoke of slavery and the rod of oppression will be broken forever. I should not have answered such observations, nor attempt to throw reproach and ridicule on our principles, but to exhibit the harmony which may be found in religion and virtue,

FEBRUARY, 1820.

Land Bounty Certificates.

H. OF R.

with the just interpretation and practical effect of our happy Constitution.

In expressing my views on this momentous subject, I have not pursued the path of feeling. The harmony of our national Union has been my pole star. General freedom, the equal and inalienable rights of mankind, are the pure spirit of our republican system. To resist encroachment, to guard with vigilance the bulwarks of our Constitution, is the duty of every citizen. By the faithful performance of this great duty, we may justly hope the permanence of our liberties, and the maturity of our glory.

Mr. BALDWIN, of Pennsylvania, next addressed the Committee, and spoke also about two hours against the constitutional right of Congress to impose the restriction; and, incidentally, in favor of the right of Congress to restrict slavery in the Territories of the United States.

The Committee then rose.

FRIDAY, February 25.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report from the Engineer Department, containing the rules and regulations for the government of the Military Academy at West Point, and a list of cadets which were attached to the said academy on the 1st of January, 1815, and of such as have been appointed between that day and the 30th of September, 1819, with the States and Territories whence they came, &c., containing all the information required by, and rendered in obedience to, the resolution of the 26th of February, 1819; which letter and report were referred to the Committee on Military Affairs.

Mr. CAMPBELL, from the Committee on Private Land Claims, to whom was referred the bill from the Senate, entitled "An act for the relief of the legal representatives of John O'Connor, deceased," reported the same without amendment, and the bill was ordered to be read a third time to-morrow.

LAND-BOUNTY CERTIFICATES.

Mr. COOK submitted the following resolution:

Resolved, That the Committee on the Public Lands be instructed to inquire into the expediency of enabling those soldiers of the late war, who are entitled to a land bounty, and have not received the same, to obtain certificates in lieu thereof, for such sum as may be deemed reasonable, making such certificate receivable only in payment for public lands offered for sale by the United States.

Mr. C. said, in offering the resolution to the consideration of the House, he must confess that the interest which he felt in the measure was too strong to allow it to meet its fate, without offering some reasons in its favor. To those who have inquired at all into this subject, said he, it will be found that there are between seven and eight thousand soldiers who have not received their land-bounty; and, according to the present mode of paying them, it will consume about one million one hundred thousand acres of land. If any measure can be adopted which will render this

bounty more valuable to the soldiers who have fought your battles, conquered your enemies, and given lustre to your national character, without injury to the public interest, I think it is worthy of the consideration of the Government, and deserves to be adopted. In offering this bounty to the soldiers of your army, I conceive it was to induce the soldier to enlist under your banners; and after performing his duty, to have a home, a resting place for himself and his family. But, sir, from the manner in which this bounty has been given, it must be manifest to all who know anything about it, that it has fallen short of that object in a most unfortunate extent. Owing to the remoteness of these lands from the settled parts of the country, and the consequent absence of the conveniences of society and neighborhood, the soldiers have been unable to improve their lands, and, from their general poverty, have been compelled to sell them to the speculators to obtain the means of supplying their immediate wants, and this too at so reduced a price as to be of but little service. Indeed, sir, the management of the speculators has been such as to keep down the price of those lands to the lowest possible amount, and they will continue so to do, at least until the poor, but meritorious soldiers, have been rifled of their property—until it shall all be in their hands.

My object, then, Mr. Speaker, is to allow those soldiers who, from the tardiness of the Government, have not received their bounty, who may choose to do so, to obtain in lieu of such bounty a certificate for such amount as Congress may think just, and make such certificates recoverable only in payment for public lands. Sir, I believe, if the Government would give to the soldier his choice, either to take his bounty where the Government may choose to assign it to him, or to take a certificate which would enable him to enter eighty acres (the one half of his present bounty) within the limits of the settlements, after the sales are over—for I would be unwilling to give them a right of pre-emption for that quantity—that some thousands of them, who are now without homes, living in wretchedness, would gladly receive such certificates, and secure themselves in comfortable homes. And in this way there would be a mutual saving, both to the Government and the soldier. The Government would save one half of the land, and yet give to the soldier more value to him than the value of the present bounty. In doing this, Mr. Speaker, the soldier, who is living now both in vice and poverty, would find an asylum where comfort would smile around him, and where his vicious habits, contracted in the camp, would be corrected by the influence of those around him, who have fostered the virtues of civilized life. It would also, Mr. Speaker, prevent an extension of that principle which has converted so much of the State of Illinois at least into a temporary wilderness; that delightful body of land lying between the Illinois and Mississippi rivers, embracing more than five million of acres, has to such an extent fallen into the hands of speculators, who have bought it for a mere trifle, that it will be uninhabited for many years—a section, above all others,

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

which it is desirable to have settled. The bounty of the Government, owing to the manner of conferring it, has thus done but little good to the soldier, and established a nuisance in that flourishing State.

Sir, I have seen the poor soldier who has come from the almost extreme east of our country to Illinois, who has heard a fine and just description of that State, with joy in his countenance, to see his land, that land which was rendered dear to him, because he had fought and conquered the enemies of your country to obtain it. But when he learned that it was so remote from neighbors, and from those indispensable advantages of society, his joy was turned into mortification, and he was driven to the shop of the speculator, to procure, in exchange for it, such bounty as their generosity might advance.

I do think, Mr. Speaker, that the melioration of the condition of such a number of those deserving men, is worthy of consideration; and more especially when it can be done without detriment to the nation. Sir, if you should wish hereafter to call upon the patriotism of the people to fight your battles, will not the effect of this measure tend to invite them to your standard? They will look back with confidence, and feel safe in obtaining the just reward of their country.

I do hope, Mr. Speaker, that, notwithstanding the great mass of business before us, this subject will receive its merited consideration.

The question was then put whether the House would now consider the resolution, and it was determined in the negative.

THE MISSOURI BILL.

The SPEAKER having announced the orders of the day—

Mr. HILL, of Massachusetts, rose, and said he did not now wish to consume the time of the House upon a subject, the progress of which seemed to be stamped with all the marks of eternity. But he rose merely to move that the Committee of the Whole be discharged from any further consideration of the Missouri bill.

Mr. LOWNDES said, that if the gentleman from Massachusetts insisted on this motion being put, he would cheerfully vote in favor of it; yet, if he would consent to withdraw his motion for the present, to give two or three gentlemen more an opportunity to speak to-day, he thought it might be a saving of time, and the motion could be renewed again, if necessary, to-morrow morning, which would then, he thought, receive a decided support.

Mr. HILL acquiesced in this suggestion, and withdrew his motion.

The House then again went into a Committee of the Whole, Mr. CONN in the chair, on this bill.

Mr. ERVIN, of South Carolina, took the floor, and spoke at considerable length against the restriction.

Mr. SCOTT, of Missouri, said, it had been erroneously stated that Missouri demanded that which she ought more modestly to sue for as a matter of special grace and favor. In the remarks which he should now have the honor to submit on the sub-

ject, he did not wish to be again misunderstood by the honorable gentleman from New York, (Mr. TAYLOR,) or any other quarter. Mr. S. did not sound the tocsin of alarm—he did not beat up for volunteers in rebellion against the constituted authorities of his country—but he should degrade, counteract, and even misrepresent, the wishes of the people of Missouri, was he to press their claim for admission into the Union by obsequious supplications and prayers, suited alone to the taste and palates of sycophants or of tyrants. Sir, said Mr. S., Missouri asks, in the true American character of moderation and firmness, your assistance to organize her State government, as preparatory to her admission into the Union. She did not sink herself beneath notice, by an affectation of inferiority, meekness, dependence, and submission, which she did not feel, nor did she, by any rash declarations, or warlike attitudes, authorize the ungenerous insinuations that there was in that people a moral unfitness for self-government. There had been no exhibition of such a spirit of boisterous domination as ought to induce you to shun their company, or to avoid associating with them as a member of the federal family. Missouri presented herself with the Constitution of the United States in one hand, and the treaty of cession in the other, and asked admission into the Union. She exhibited, as preliminaries, a long apprenticeship under the guardianship of your laws; a moral capacity and fitness in the people for self-government; a devoted attachment to the Constitution and laws of the land; a firm and fixed republican character; and numbers sufficient to entitle her to two Representatives. She did not attempt to deceive Congress in reference to her territory, or the number of her inhabitants; she presented an actual map of the surveys of the country, by which a calculation might be made, within a few miles, of the exact extent of her boundaries; she produced documents in support of her population, sufficient to satisfy the most conscientious and scrupulous; she was not driven to the subterfuge of counting her citizens and travellers in every county through which they might pass, to make out her pretensions to admission, and then, to take off the odium of this deception, to christen the transaction with the name of pious fraud, because the great object in view was to jump into the Union, and obtain the blessed privilege of dictating to her superiors and her neighbors. Mr. S. regretted that this question had produced so much excitement; he, however, disclaimed the responsibility of ultimate measures, because he was acting only on the defensive, and was not one of the proposers or supporters of the proposition that had caused it. If it was of recent date, he would entertain some hopes of its short duration. But, for more than one year, this question had agitated many sections of this Government; it had mixed and mingled with every topic; it had operated on, and even controlled, elections. He had seen one instance of its powerful influence in an adjoining State, and he feared similar sacrifices had or would be made in other quarters, of honorable men, for their integrity and attachment to the principles of the Constitution.

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

Mr. S. said, that both the advocates for, and those opposed to, this restriction, who had preceded him, had divided the subject into three heads: the first resting on the Constitution; the second on the treaty of cession; and the third on the expediency of the measure. There were other grounds, growing out of the relations of the United States and the Territory of Missouri, and that he considered as not only connected with, but conclusive on, the subject, and which he would hereafter examine: he would, however, first advert to the nature of this proposition, which gentlemen had contended they had the right to make. Some had dignified it with the name of treaty; some with the name of compact, while others had contended for the broader ground, that you have the power to restrict Missouri, in virtue of your sovereignty over the territory. On all occasions, it was of the first importance to understand the question, but more particularly so where it involved the principles of the Constitution, or the rights of the people. It was, then, either matter of treaty or compact, between Congress and Missouri, or it was an ordinary act of legislation.

Mr. S. contended that, if Congress had the right to impose this restriction, as an ordinary act of legislation, by virtue of their sovereignty over the territory, that then they could not support the ground that it was either a treaty or a compact with Missouri. Vattel, in his *Law of Nations*, page 192, section 154, laid it down as a fixed principle, "that public treaties can only be made by superior powers, by sovereigns who contract in the name of the State." It was of the first importance in every State, that it should be well understood where the power of making treaties resided. It was important to the State itself, and doubly so as related to foreign Governments with whom you are to treat. Vattel, page 193, section 154, said, "it is from the fundamental laws of each State, that we must learn where resides the authority that is capable of contracting with validity in the name of the State." By the Constitution, which is the fundamental law of the United States, in article second, section second, the power to make treaties was given to the President of the United States and the Senate, and that disposition of this branch of the supreme power, by the people, had the unequivocal effect of divesting the House of Representatives of this power; not only the House of Representatives was deprived of the exercise of this power, but the two Houses of Congress, were they of one accord, had not the power to propose or make a treaty; and the case in favor of his argument was infinitely stronger, when it was considered that the Senate, who, by the Constitution, was a component part of the treaty-making power, was, as to the question under discussion, actually opposed to its success. Had the Constitution stopped here, it would have been sufficient for all the purposes of the argument. The 10th section of the 1st article had, in express terms, inhibited a State from "entering into any treaty, alliance, or confederation." Was even a State to make a treaty, it would, upon principles that are recognised in Vattel, page 195, section 161, "be void, for want of sufficient power to make it." And yet a State

had a constitution or fundamental law. How would the argument bear gentlemen out, when it was applied to a mere territory not absolutely sovereign within its own lines, and that had not any constitution or fundamental law? If Missouri had the right to treat with Congress, it must be in pursuance of her sovereignty; and that same sovereignty would give her the equal right to treat with any other power, and which, if she was to attempt to do, he had little doubt gentlemen would then, if not before, deny her power to accomplish. He thought it was sufficiently elucidated that both Houses of Congress, much less the House of Representatives, had not the power, in shape of a treaty, that a State had not the power, and that a territory, possessing even less sovereignty than a State, had it not.

Mr. S. said, that the next ground gentlemen had relied on was, that this restriction might be imposed on Missouri, by way of compact. Vattel, page 192, section 152, laid it down "that treaty and compact are synonymous terms, where perpetuity is the object." This restriction was to be fixed, unalterable, eternal—no change of time, circumstances, or condition, was to place it in the power of the people of Missouri to alter this feature in their constitution. He defined a compact to be an agreement, or contract to do, or not to do, a particular thing. Again, agreements were either voluntary or involuntary; if involuntary (as this would be in reference to the people of Missouri) it was competent for the party to avoid it as early as possible. If voluntary, and had for its object that which the parties might lawfully do, it was binding—the acquisition of power by Congress, by way of compact or treaty, beyond what the people had given them, was not a lawful object; if it were, Congress might progress in exacting from States a surrender of powers until they had accumulated sufficient strength to swallow up the whole. And was any one State disposed to make a surrender of any portion of its powers or sovereignty to the General Government? He doubted very much whether, from the evil tendency and dangerous example it would furnish, the other States would stand by and see it done. Mr. S. would put the question to gentlemen whether Congress could, by treaty, compact, or law, surrender any of the powers given by the Constitution for the benefit of the whole? Congress were but the bankers of the people, to the amount of power deposited, and the fund could only be distributed in the shape of laws, when the necessities of their country, or the good of the people, required. The deposit was so sacred that Congress could not agree to diminish it in any way that should counteract the purposes for which it was given. Congress could not agree to relinquish the right to impose taxes on any particular State; or the right to regulate commerce in reference to any one, or all the States; or give any preference to the ports of one State over those of any other State; or to give to one State more exemptions or a greater representation than her federal condition entitled her to. If Congress could not give powers to a State, she could not take privileges away. In fact, Con-

gress could not relinquish its sovereignty on any of the objects over which it is made sovereign by the Constitution. By a parity of reasoning, a State could not surrender by compact any portion of the sovereignty retained to it by the Constitution, or which it possessed by virtue of inherent rights; but if a State could relinquish any portion of its sovereignty, it must first be considered independent to enable it to do so, and not be in a condition of territorial dependence. State rights are as fully secured by the Constitution as the rights of Congress, or of the General Government; the law of nations and of nature operated alike on the general and State governments. *Vattel*, in page 6, section 18, says, that "a State or nation is obliged to preserve itself, and has a right to every thing necessary for its preservation." The sovereignty of a State was necessary for its happiness and preservation, and could not lawfully be diminished by any compact. By *Vattel*, page 10, section 31, "the consequences of a good or bad constitution being of such importance, and the nation being strictly obliged to procure, as far as possible, the best and most convenient one, it has a right to every thing necessary to enable it to fulfil this obligation. It is then manifest, that a nation has an indisputable right to form, maintain, and perfect its constitution; to regulate, at pleasure, every thing relating to its government, and that no person can have a just right to hinder it. Government is only established for the sake of the nation, with a view to its safety and happiness." A State was as much bound by the Constitution and the law of nature to preserve its integrity and sovereignty, in reference to the State, as Congress were by the Constitution and law of nature to preserve the integrity and sovereignty of the nation. An acquisition or surrender of powers and sovereignty, by either the general or a State government, beyond what the Constitution, the law of nations, and the law of man had pointed out, would be unlawful, and consequently void.

The confederation of the several States was, in fact, nothing more or less than an alliance, offensive and defensive; each State was an ally in regard to all the other States. Missouri proposed to become one of the allies in the Confederation; but she did not intend to contract an unequal alliance that amounted to a diminution of her sovereignty; nor could she, constitutionally, do so if she would. Gentlemen had said that this proposition, if acceded to by Missouri, did not amount to a diminution of her sovereignty; and that, therefore, she might lawfully make the compact, and Congress might lawfully exact it. Sovereignty in the United States was something more than a mere name—it was an *actual condition* of a State. *Vattel*, page 2, section 4, said, "any nation that governs itself, under what form soever, without dependence on any foreign power, is a sovereign State; its rights are naturally the same as those of any other State." Mr. S. was well apprized that the law of nations (*Vattel*, page 2, section 5) recognised, in certain cases, as "sovereign States, those which had united themselves to another more powerful by an unequal alliance, in which to the more powerful is given

more honor—to the weaker more assistance." This was precisely the case in question; to the General Government was given more honor, and even more strength—to the State of Missouri more protection and assistance. A most extravagant doctrine had been advanced by gentlemen, that Congress had the right to exact by compact any thing, and assent to any condition, provided the State was left in possession of sufficient sovereignty to enable it to regulate its own municipal concerns; and that, as the State of Missouri could exist as a State, shorn of this attribute of sovereignty, that therefore she might, by compact, surrender it to Congress. Mr. S. denied the soundness, even in theory, of this proposition, but, in practice, it was of the most dangerous tendency; a State must be always regarded as an inferior ally in reference to all the other States in the Confederacy. The argument that gentlemen drew from the power Congress had to exact tribute, by way of taxes from the States, went but very little to support the proposition, that Congress had the power to contract for any portion of the sovereignty of a State. The payment of tribute, or taxes, was no evidence of the diminution of the sovereignty of a State; that was a matter to which a State might consent, and still retain all its essential independence. *Vattel*, page 2, section 7, said, "For, though the payment of tribute to a foreign Power does, in some degree, diminish the dignity of those States, from its being a confession of their weakness, yet it suffers their sovereignty to subsist entire." And in page 2, section 6, "that a weak State might, in order to provide for its safety, place itself under the protection of a more powerful one, and, in return, agree to perform several offices equivalent to that protection, without divesting itself of the right of government and sovereignty."

The conditions of these alliances might be infinitely varied; but *Vattel*, page 2, section 5, had shown "that whatever they are, provided the inferior ally reserved to itself the sovereignty, or the right of governing its own body, it ought to be considered as an independent State." Gentlemen, however, still unconvinced, to the great and essential truth in relation to States, that they cannot, by treaty or compact, constitutionally surrender any portion of their sovereignty, had, with an air of triumph, asked, where was the line to which they might go without trenching on the independence and sovereignty of the State? Mr. S. would answer, from the laws of nations. *Vattel*, p. 202, sect. 175, declared, that "the sovereignty subsists entire and unimpaired, where none of its constituent rights are transferred to the superior ally, or rendered, as to the exertion of them, dependent on his will. But the sovereignty is impaired when any of its rights are ceded to an ally, or even if the use of them be merely rendered dependent on the will of that ally."

The connexion of master and servant was a domestic relation; the intercourse between them was, in all the States, matter of municipal law; it had been always considered as depending on the constitutions and laws of the several States, and not

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

the subject of foreign control. The relations existed in other States, were controlled by their own institutions, without Congressional interference; it was their constitutional, nay, one of their constituent rights, to regulate this connexion. Congress, in this particular, were making an effort to prohibit the existence of this relation in Missouri; they were exerting themselves to render the exercise of this sovereign, constitutional, and constituent right, dependent on their will; and yet gentlemen argue that this is not a compact that will diminish the sovereignty of Missouri.

Mr. S. was aware that there were cases of absolute necessity, and then it was not to be imputed as a crime, (Vattel, page 303, sect. 176,) under the pressure of which "a State would have a right to place herself in absolute subjection, and renounce her sovereignty if she found such measures necessary for her preservation; by a much stronger reason she has a right, under the same necessity, to abandon her allies; but a generous people will exhaust every resource before they submit to terms so severe and humiliating." The consequence of acting in conformity to this necessity would be, "that all former engagements would fall to the ground, together with the power that had concluded them." (Vattel, page 3, sect. 176.) Such would be the case in regard to Missouri: was she to accept conditions that rendered her absolutely dependent on the will of the General Government, all her former and present engagements would cease to be binding, because the sovereignty that made them so had ceased to exist.

Some gentlemen, thinking the ground taken by their coadjutors was too broad, had narrowed it down to this: that Congress had a right to contract for the surrender of any portion of the sovereignty of the State of Missouri, provided that such right did not deprive her of, or encroach on, her federal rights. One moment's examination of this branch of the question would put it forever at rest. All had agreed that, if the exposition went to deprive her of a federal right, that the requisition could not be made. Under the Constitution of the United States, second section, "Representatives and direct taxation shall be apportioned among the several States which may be included within the Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and, excluding Indians not taxed, three-fifths of any other persons." He desired it to be remembered, that all gentlemen had agreed that Missouri could not be deprived of a federal right: now, among many other federal rights, was that of representation in the Congress of the United States, according to numbers, to be calculated in pursuance of the article of the Constitution before alluded to. Five negroes, then, were equal to three whites in that enumeration, on which representation was founded. By the restriction in question, then, Congress undertook to deprive Missouri of the means of acquiring a federal right; thus doing indirectly what all agreed could not be directly done. Mr. S. could see no substantial difference between depriv-

ing Missouri of a federal right, or the means of acquiring a federal right. They were, both the right and the means of acquiring the right, as regarded Missouri, vested rights under the Constitution, and by no treaty, compact, or law, could she be constitutionally deprived of either: and was Missouri to contract for this surrender, it would make the alliance, as regards her and the other States in the Union, in reference to the whole Union, unequal, unlawful, and consequently void; and what would be void, if done, it was not competent for the parties to do. It was laid down by Vattel, (page 203, sec. 177,) "that every State ought to be jealous of her glory, careful of maintaining her dignity, and preserving her independence, and nothing short of the last extremity, or motives the most weighty and substantial, ought ever to induce a people to contract an unequal alliance. This observation is particularly meant to apply to treaties, (or compacts,) when the inequality prevails on the side of the weaker ally, and still more particularly to those unequal alliances that degrade the sovereignty. Men of courage and spirit will accept such treaties (or compacts) from no other hands but those of impious necessity." The restriction in question would degrade the sovereignty, because it would diminish the State independence, and deprive Missouri of the means of acquiring federal rights; and in the same proportion that the sovereignty of Missouri would be diminished, and the exercise of any of her constituent rights rendered dependent on the will of Congress—in that exact proportion would the powers of Congress be increased beyond those given by the Federal Constitution. Mr. S. hoped that it was sufficiently clear that Congress, neither by treaty nor compact could increase or diminish their powers; nor was it competent for a State, by treaty or compact, to surrender any portion of its sovereignty. It next remained to inquire, whether Congress could, by an ordinary act of legislation, accomplish the object? And this depended on the powers given in the Constitution.

The very act of exacting this restriction as treaty, or compact, and which required the assent of Missouri, showed that it was a portion of the sovereignty of the State, that you cannot take away without their consent. The Constitution of the United States sets out with this principle—"that all legislative powers herein granted (not inferred) shall be vested in a Congress of the United States." But, even was the Constitution silent as to the disposition of powers between the General and State Governments, a knowledge of the history how the Constitution was formed, would give a strong answer against the assumption of the authority now contended for. The framers of the Constitution were jealous of State rights, and therefore left nothing to be inferred, against which they could possibly provide. The powers of the General Government were the delegated powers, and not the powers of the States, or the rights of the people derived from the Federal Government. All right and authority was inherent in the people; they alone were supreme; they

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

surrendered a portion of their natural and inherent rights to the State authorities, and a portion of the Federal Government; and the grant by them made was to be construed only for their benefit, and in the advancement and protection of their other rights. Congress had no powers but those expressly given, or those inferrible, as being absolutely necessary and proper to enable them to carry those given into effect. The ninth and tenth articles of the amendments to the Constitution settled this question: the first of which provided, that "the enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." And the second declared, that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people." When, therefore, Congress were about to exercise an authority, it was to the enumerated powers in the Constitution that they were to look for the right: if not found there, it did not exist; for all other than those were inherent in, and expressly reserved to, the States, and to the people.

Mr. S. would not delay the House by attempting a history of the causes and formation of the Constitution. It was well known to have been a matter of compromise between free, sovereign, and independent States; most of whom, at the time of its adoption, held more or less slaves; nor was it reasonable to suppose, that it was within the purview or meaning of the makers, that, at any subsequent period, it should be left to the discretion of either party that might become dominant, to impose slaves on those who had them not, contrary to their wishes—or to deprive others who had them, or who entertained a wish to acquire that description of property, of the discretion to do so. Mr. S. not only denied the power of Congress to prohibit the citizens of any State from enjoying the advantages resulting from the immediate use of slaves, but he would, also, repel their pretensions to legislate in relation to the increase. Societies, constitutions, and laws, were as much formed to secure the faculties and produce of property, as for the protection of the immediate object of property itself. Let the legislators destroy this principle, and occupancy alone, as in olden times, would be the only remaining evidence of property and of right.

The powers given to Congress by the Constitution were few, express, limited, positive, and defined; the majority of them were to be found in the 8th section of that instrument, and consisted in the authority to levy taxes, borrow money, and regulate commerce; establish an uniform system of bankruptcy; to regulate the coin, punish counterfeiting, establish post offices and post roads, constitute courts, declare war, raise armies, maintain a navy, call forth the militia, organize and regulate them; to have exclusive jurisdiction over the District of Columbia, and their forts, magazines, arsenals, dock-yards, and to make all laws which should be necessary and proper to carry into effect the enumerated powers. Mr. S. could not discover that the authority to impose restrictions on States could be derived from any latitude of

construction growing out of this section. But, the powers of Congress were not only enumerated and expressed in the Constitution; the 10th section was equally explicit in declaring of what attributes of sovereignty the States should be deprived; no State was to enter into any treaty of alliance, grant letters of marque and reprisal, coin money, emit bills of credit, make any thing but gold and silver a tender, pass any bill of attainder, ex post facto law, impair contracts, or grant titles of nobility; nor, without consent of Congress, lay imposts or duties on imports or exports, lay any duty on tonnage, keep troops or ships of war in time of peace, or make any agreement with any foreign Power, or even with a sister State, or engage in war, unless actually invaded. The States, then, were divested by the Constitution of no portion of sovereignty but those actually named and voluntarily surrendered; all other powers, and the residue of sovereignty, were inherent in, and expressly reserved to, the States and the people.

It was said, that, since the year 1808, Congress had power to prohibit the migration or importation of such persons as the States existing at the time of forming the Constitution thought proper to admit; and that, under the powers given in that clause of the Constitution, Congress might prohibit the removal of slaves to Missouri, both as a territory and a State, and impose the restriction. The Constitution of the United States not only admitted and permitted, but was partly based on domestic slavery; yet gentlemen said it was contrary to the principles and genius of the American Government—although the Constitution in but few instances recognised them to be free moral agents, but acknowledged them to be property, and not freemen, and guarantied to the master an ownership which his fellow-citizen, living in another State, and holding different principles, could not legislate from him. The 2d section of the 4th article of the Constitution provided that "no person held to service or labor in one State under the laws thereof, escaping into another, shall, in consequence of any law or legislation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due." A sister and sovereign State could not emancipate slaves fleeing to its jurisdiction; could Congress, then, do that which the Constitution had said should not be done by the independent sovereignty to which the fugitive fled? The framers of the Constitution never thought that Congress had the authority to prohibit the removal of slaves to any State; or that they would pretend to the still more alarming power of legislating the emancipation of slaves that were lawfully in, or might flee to any State. It was considered as an incident of sovereignty, as a matter of State right and of municipal legislation. The only danger was, that the States would exercise it to the prejudice of each other; against that state of things the Constitution had guarded, and deprived the respective States of the exercise of that power which they had without such prohibition. To make the argument more plain, he would state a case: Could Congress pass a law

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

operating the emancipation of the slaves in Kentucky, or of their increase? Or, could Congress pass a law declaring that if a citizen of Kentucky removed to Ohio with his slaves, that in consequence of such removal, his slaves should be free? Or, would it not depend on the Constitution and laws of Ohio? If, then, Congress could not pass a law emancipating the slaves in a State, or pass a law declaring that their emancipation should be the consequence of removing them from one State to another State; it was not within the scope of his faculties to discover how the restriction was authorized by this clause of the Constitution. But let it, for argument only, be granted, that Congress had the power to prohibit the migration of slaves from any other State to Missouri, how far would that authority give to Congress the right to legislate in reference to the slaves, and the children of slaves, that were now in Missouri? The power to prohibit the migration had reference alone to the State where the slaves were, and not to Missouri. A general law, then, would be most proper, declaring that no slave should be removed from one State to another; and that would be a question of restriction for the slaveholding States to submit to, and not the question of restriction in regard to Missouri. The term *migration* indicated an exercise of free will, the exercise of which was not to be attributed to slaves; and he believed the real meaning of that portion of the Constitution was to authorize Congress to prohibit, after 1808, that great influx of the rabble of foreign countries, who, migrating to the United States encumbered with their passions and prejudices, might, in the end, endanger the Constitution and the Union. The term *importation* all understood as solely intended to provide against the further introduction, from abroad, of the unhappy sons and daughters of Africa, and not to give to Congress the power to regulate the distribution of those that were here.

The second section of the fourth article of the Constitution provided that "the citizens of each State should be entitled to all the privileges and immunities of citizens of the several States." The obvious meaning of this clause was, that the rights of the citizens in one State should be equal to the rights of the citizens of any other State, and that, so far as the citizens of one State had the right to regulate their matters of internal policy, so far should the citizens of any other State have the same rights, privileges, and immunities—not only the rights of the citizens, individually, but their rights taken collectively as States, were to be equal in all respects whatsoever. For example, if the people of the State of New York had the exclusive power to make their own constitution and laws, and to provide that slaves should, or should not be introduced, so the State of Missouri, to be equal in power to the State of New York, must possess the same sovereign authority.

The second clause of the third section of the fourth article provided that "Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property of the United States." The whole context of this article showed that it was as property,

and not otherwise, that Congress were to make rules and regulations. Certainly the boldest advocate for restriction would not contend that Congress had any property in the persons of the citizens of Missouri, because they were circumstantially connected with a Territory over which they had a limited control. Surely gentlemen would not undertake to advance the doctrine that Congress had any property in the confirmed lands of individuals, or in the lands purchased of the Government and patented to the purchaser, and still less had Congress any property in the rights of the people. And if Congress even had the power contended for, while they owned the land, it would surely cease to exist so soon as they parted with the soil. The sovereignty of Congress over the territory, as the lords paramount, was but temporary, and could only endure so long as they retained the soil; when that was disposed of, their sovereignty ceased also. Yet, by virtue of this brief and temporary authority, limited in its extent, and short in its duration, Congress were about to fix on Missouri a never-ending condition, that was to continue long after the authority on which it rested for existence, had passed away. If, in consequence of owning the land, Congress possessed that description of sovereignty that would authorize them to legislate in regard to the property of the citizens of a Territory or a State, or to dictate what kind of property the citizens should introduce and hold, then might they at this day undertake to regulate the affairs of the States of Ohio, Indiana, Illinois, Louisiana, Mississippi, and Alabama; and their right to impose restrictions on each of them, similar to that contemplated in regard to Missouri, would be equally as unquestionable. The whole amount of the authority Congress could claim under this clause of the Constitution, was, to make rules and regulations for the surveying and disposing of the public lands, to regulate the quantities in which it should be sold, the price, and the credit. But this power was limited in its operation to the property alone, and by no construction could be extended to the rights of the citizens inhabiting the Territory, Congress had no power over the right or property of the citizen, but, in certain cases, to levy taxes; and this authority was one of those expressly conferred by the Constitution, and was not alone supported by inference.

Mr. S. would now take a short view of the gentlemen's Gibraltar, behind which they had entrenched themselves, and thought they were secure and invulnerable. The third section of the fourth article provided that "new States may be admitted by the Congress into this Union." But, he contended that they were to be admitted on equal terms, and to be equal after admission. When Congress now used the term State, it was to be understood as the framers of the Constitution understood it; they meant a body politic, precisely similar in all respects to those that then formed the Confederacy, and were about to adopt the Constitution, and become parties in the Government. The term State had a precise, and, if gentlemen pleased, a technical meaning: Its attributes

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

were freedom, sovereignty, and independence. By the principles of our Government, as recognised by the Declaration of American Independence, there were no parties but those determining to be free, concerned or consulted in making that declaration. The exercise of the free will was the only act necessary to achieve the moral independence of any people. Such had been the fact, in regard to the United States; and, in point of principle, such was still the case. If a new State only become independent by the act of admission, and was not free by virtue of inherent right before admission, then he inquired, when the old thirteen United States had become free? Was it by the treaty of peace of one thousand seven hundred and eighty-three? No; for the first article of the treaty only acknowledged a condition that antecedently existed, and of which the conduct and declarations of Great Britain only furnished the motive, not the right, for the right was from above. Was it by the formation and adoption of the Federal Constitution? No; for that Constitution was the act of their own free will, which of itself pre-supposed independence as being essential and necessary to make the instrument binding. Americans dated their freedom from the Declaration of Independence, of the 4th of July, 1776. It was then clear that, to be free, sovereign, and independent, as a State, it was only necessary to will and to declare so. To maintain that independence required physical force, and was another question into which he would not now inquire.

Mr. S. said that, as a territory, the Constitution of the United States was but relative to Missouri; it was only on becoming a State that she would incur all the duties, and partake of the full advantages, of the Constitution. No power could extend the Federal Constitution over Missouri as a State; it required her assent to be freely given; she must ratify and accept of it before it was her constitution. All its force and binding efficacy were derived from her voluntary act; and yet gentlemen undertake to impose a restriction on Missouri; growing, as they say, out of the powers contained in the Constitution, when that same Constitution was not applicable to the territorial condition of the country; nor was she any party to the instrument until she became a State, and assented to its provisions. To admit a new State was not solely the act of Congress—it was a compact between the new and the old States. The General Government was confederated, formed by compact between separate and independent States; the parts of which were, or ought to be, all equal. Missouri, as a new State, had the right to join the compact upon the same terms that others had done, surrendering only the same proportion of her inherent and political liberties. To make the election to join the compact, she must be considered as free and independent; for if, at the moment of admission, she was dependent, then the compact would not be binding on her. It was very doubtful whether Congress could give the rights of a State to a dependency; but he was quite sure that Congress could not make the dependency incur the duties of a State, because they depended on free

assent, which an independent people alone could give. The fourth section of the fourth article provided, that “the United States shall guaranty to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive, (when the Legislature cannot be convened,) against domestic violence.” So sacred was the soil and rights of freemen, that the Congress could not, without violating the Constitution, enter the confines of a State, even to protect them against domestic violence, without a call from the constituted authorities; yet Congress were about to break on the lines of the sovereignty of Missouri, trample down the rights of the citizens, and inhibit the introduction or use of property acknowledged by the Constitution of the land to belong to its citizens. Congress was to “guaranty to every State in this Union a republican form of government.” Independence as a State, and incorporation into the Union, were two distinct things: the first was inherent; the second required the assent of Congress; in giving which assent Congress were then “to guaranty a republican form of government.” This was not one of the powers, but one of the duties of Congress, and the mistake of this duty for a right or power had produced all this absurd construction of the Constitution. “Congress may admit new States into this Union.” This clause spoke volumes on the subject. “This Union” meant the Union then formed, and “the State” was to be such a State as was then entering into the Union. If Missouri was admitted under restrictions and conditions that did not exist in relation to any of the States then existing, it was not “into the Union” that Missouri was admitted, but into a new union. If Missouri was compelled to surrender more of her privileges, or a greater portion of her sovereignty, to obtain admission into the Union, than other States had done, then by precisely so much more of her privileges and sovereignty as she had to surrender to obtain admission, just so much the more did she pay for her admission; and then it was not into “this Union” she was incorporated, but into another Union, formed by special compact in that particular case. And thus every State that was admitted might be required to submit to some extraordinary condition, until the original principles of the Constitution were entirely lost, and it would become a matter of contract, in which each party would make the best bargain they could, and “this Union” would be no longer “this Union,” nor would the term State be any longer intelligible, because it would give you no idea of what were its powers, its privileges, or its attributes. This argument might be further illustrated by that portion of the Constitution that gave Congress power “to establish a uniform rule of naturalization.” Congress were not obliged to exercise the power at all; but, if they did exercise it, they must make the rule uniform. So they were not obliged to admit a State; but, if they did admit a State, it must be on uniform principles; for example—Congress could not say that the subjects of France

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

should remain in a state of probation ten years before they could become citizens, and that the subjects of Great Britain should only remain five years in suspension, because this would not be uniform, and would be making one applicant pay a greater price for the privileges of citizenship than another. Just so in regard to Missouri—if admitted, no greater price was to be exacted from her, in becoming a State, and entering into the Union, than had been paid by any other State heretofore admitted. And the parallel might be carried further; Congress could not say that the foreigner should become a citizen, but that, after he had become a citizen, he should not hold land, or any other description of property, because that would be a condition that would defeat the grant, and a restriction inconsistent with citizenship; which, when acquired, placed him, in all respects, on the footing of a natural-born citizen. And so in regard to Missouri; Congress might absolutely refuse her admission; but, if they choose to admit, they could impose no restriction inconsistent with her condition as a State. Other arguments and parallels might be shown, but he would rest this branch of the subject here.

Gentlemen, still doubting their authority to impose this restriction, as derived from the Constitution alone, had resorted to precedent to bear them out. Mr. S. would also refer to those precedents, and show that a large majority of them were in favor of Missouri, and the residue, if precedent at all, could not be so construed in reference to Missouri, because they were not even analogous. In the act of the Virginia Legislature, of 1788, giving their assent to the creation of a new State in the district of Kentucky, there was no condition. In the act of Congress, of 1791, admitting Kentucky into the Union as a new and entire State, there was no condition imposed whatever. The next State admitted was Vermont, in 1791; when Congress admitted her as a new and entire State into the Union, no restriction or condition was even hinted at in the act of admission. In the deed of cession from North Carolina, of 1790, for that portion of territory which now formed the State of Tennessee, an express exception was made in relation to slaves, and Congress were prohibited from making any regulations that would tend to their emancipation. And when, in 1796, Tennessee became a State, she was admitted by Congress into the Union, without a condition or limitation, equal in all respects whatever, as one of the United States. When, in 1802, Georgia ceded to the United States that portion of territory which now composed the States of Mississippi and Alabama, she had forecast enough to inhibit the application of the ordinance of 1787 to that country; nor was there in the act of 1817, authorizing the people of Mississippi to form a constitution and State government, or in the resolution admitting her into the Union, any condition similar to the restriction in question. And in the act of 1819, giving the people of Alabama power to form their constitution and organize their State, as also in the resolution for their admission, research might in vain be made for any conditions. Of the State of Louis-

iana he would speak hereafter, and would now turn his attention to the great and binding precedents derived from Ohio, Indiana, and Illinois, as predicated on the ordinance of 1787. The deed of cession from Virginia, of 1784, was simply a transfer of the soil and sovereignty, and did not contain any stipulation either for or against the introduction of slaves. Virginia had not been so provident in reference to the future settlements in the Northwest Territory, as North Carolina and Georgia subsequently were, because they had the ordinance of 1787 before them, and Virginia could not have anticipated a regulation of the character of that ordinance. When Congress passed the ordinance of 1787, the fifth article contravened the provisions of the deed of cession as to the subsequent division of the Territory into States, and, when Virginia was referred to for her assent to that alteration, she did, by her act of 1788, consent to that alteration, and that alteration only; for no other modification of the deed of cession was asked for, nor was any other taken into consideration, or assented to, by Virginia. The 6th article of that ordinance of 1787, from which all arguments seemed to be drawn, never did receive the consent of Virginia, but was an *ex parte* act of legislation, ordinary in its character, and similar to any other act of legislation, except its extraordinary qualities of expansion. It was true that the States of Ohio, Indiana, and Illinois, had complied with the provision of that ordinance; but it was not in pursuance of its intrinsic binding force; it was to be accounted for only on the principle that the ordinance, in its operation on settlers, while the country was yet a Territory, and subject to Congressional control, had so regulated the emigration, and prepared the settlers to comply with the provisions, that, in forming their constitutions, they voluntarily chose to do so. The Old Congress, when making the ordinance, had proceeded as in other acts of legislation, until they reached the articles of that ordinance; they then assumed the ground that those articles should be matter of compact between the United States and the people and States northwest of the Ohio. But with whom were those articles matter of compact? Not with the people, for there were but few, if any, there; not with the States, for there was not probably two thousand people in the whole country, and they were hundreds of miles apart, in little villages, and knew nothing about it, nor were they ever consulted, and, had they been, no assent they could have given would have bound the inhabitants now there, or the millions yet unborn. No, sir; it was a compact with the mountains, the woods, and the lakes, who were personified and made to consent for inhabitants yet to come. But, Mr. S. said, the most remarkable circumstance was yet behind; the question under consideration was one of the Constitutional powers of Congress under the Constitution.

To ascertain what powers Congress had under the Constitution, which was ratified the 17th September, 1787, resort was made to an ordinance of the 13th July, 1787, several months, in date, prior to the Constitution of the United States. The or-

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

dinance was passed by the Old Congress, under the Articles of Confederation. The adoption of the Federal Constitution was the formation of a new Government, and an abolition of the old; and yet, an ordinance passed by the former Government was brought up in judgment to define and expound the powers of Congress under a new and totally different Government—under a new Constitution, and new organization. Gentlemen had contended that Congress had revived and ratified the Ordinance in the act of 1802, relating to Ohio; the act of 1816, relating to Indiana; and the act of 1818, in reference to Illinois; these being the acts by which Congress authorized those States to form a constitution and State government. But, were he to surrender this part of the argument to gentlemen, could it possibly be deduced, that, because Congress had revived the ordinance in reference to any one or all those States, that, by that revival, it would have any operation beyond the State actually named, and to which it was applied? Nor, had the question ever been made, by any of those States, which Missouri now made, how far Congress had the power to impose the provisions of that ordinance over a State; they had taken it as a matter of course, because it comported with their wishes and their will. Missouri did not intend so to take it, because it neither promoted her interest, or complied with her wishes or her will; nor did he believe that either of those States would now acknowledge that they had not the equal right with any other State of the Union to call a convention, and so alter their constitution as to admit of slavery; and, if they had this right, the operation of the ordinance upon them as a State was void, and of no avail. The ordinance of 1787, then, was a dead letter, so far as it had been resorted to as furnishing any explanation of the powers of Congress under the Federal Constitution, and it was equally inapplicable, as precedent, in relation to Missouri, because, at no period of the Territorial government, had any portion of its provisions been extended to that Territory, save only those principles that had been incorporated into the act of the 4th of June, 1802, when the second grade of government had been conferred upon Missouri.

Of the eight States of which Mr. S. had spoken, and that had been incorporated into the Union since the adoption of the Constitution, five of them were admitted as slaveholding States, and the other three as non-slaveholding States. Louisiana, of which he would now speak, was, though not in order of time, the ninth. And arguments had been drawn from the law of 1811, authorizing her to form a constitution and State government, in favor of the restriction, and prejudicial to the sovereignty of Missouri. The argument of gentlemen could gain no strength by referring to that law, because it expressly excepted Louisiana from the operation of the sixth article of the ordinance of 1787, in relation to slaves. And, in fact, as early as 1803, when a temporary government was provided for that portion of the country now included in the State of Louisiana, and the ordinance of 1787 extended to them, the sixth article of the ordinance was not considered applicable to their

condition. Every restriction imposed on the State of Louisiana was precisely those contained in the Constitution of the United States, with the exception of that clause that required them to publish their laws and judicial proceedings in the English language; this provision did not deduct from their sovereignty, and was only shaping their laws and proceedings so as to give them "full faith and credit" in the other States in the Union. (*Const. U. S., art. iv., sec. 1.*) A precedent, to be binding, ought to be a decision made in some similar case; none had been produced, nor did any exist. The ordinance of 1787, was passed while that country was in the first grade of Government—Missouri was in the second grade. Congress had conferred on Missouri the right of self-government, in all respects whatsoever; nor did he know of any instance in which Congress had interfered after such a transfer of their powers. Then, of the nine States that had been admitted into the Union since the adoption of the Federal Constitution, six had been admitted as slaveholding States, and three as non-slaveholding States; the precedents, then, if of any force, were two to one on the side of Missouri.

But, Mr. S. said, there was no absolute necessity to hang any longer on the Constitutional ground. It was unnecessary to argue from the Constitution, or from precedent, as alone applicable to Missouri. All the powers Congress had over the territory were derived from solemn treaty, and that same treaty gave, guaranteed, and secured, the rights, liberties, religion, and property, of the citizens, and he believed that the obligations Congress were under to fulfil those engagements, in reference to the territory, was as strong as their right to the country under the treaty; and a delay, unreasonable in itself, or an ultimate refusal on the part of Congress, to perfect those engagements, might be fairly construed to be tantamount to an abandonment of the country ceded. The stipulation that the territory and inhabitants should be incorporated into the Union, was concurrent with the act of acquisition; they formed part of the same compact. When the province was acquired, it was made a question whether the United States could, constitutionally, purchase and hold foreign territory; that question being conceded, and settled in the affirmative, it only remained to inquire how the Government would hold the country acquired—whether the territory should be admitted as States, in pursuance of the treaty, or whether it should be held as provinces in vassalage.

Mr. S. said, that the people of Missouri relied with perfect confidence, for admission into the Union, on the third article of the treaty of the 30th of April, 1803; the words of which were, "the inhabitants of the ceded territory shall be incorporated into the Union of the United States, and admitted, as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities, of citizens of the United States, and, in the meantime, they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess." Various

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

interpretations had been given to this article of the treaty, by the advocates of the restriction; some had taken the broad ground that it contained no stipulation for admission as a State in any way; others had said that the treaty, in reference to the people, would be fulfilled, by giving them leave to remove east of the Mississippi river, leaving all their property behind, and there mixing, mingling, and becoming incorporated into the Union with those who reside on a part of the old territory of the United States; while others had contended that Missouri could only be incorporated into the Union by being attached to some portion of the ancient territory of the United States; and others had argued that the provisions of the treaty only related to the citizens in the province at the time of acquisition, and did not enure to the advantage or security even of your own citizens that had removed to the territory since the treaty; and, to crown the whole, some reasoners, more bold than others, contended that, if the treaty did contain stipulations for admission as a State into the Union, it was not binding, because the President and Senate could not make a treaty to bind Congress. He would not follow gentlemen through all the mazes in which they had involved themselves, but would briefly examine what obligations Congress were under by the treaty; what rights the people had under the treaty; what was the fair construction and interpretation honest statesmen would give the treaty; and what appeared to be the evident intentions of the parties.

Mr. S. hoped it was not necessary for him to impress on American statesmen the inviolable faith that ought to be observed in reference to treaties in the civilized world. *Vattel*, page 129, sect. 219, seemed to wonder that any man should think or act without regard to them: "Who can doubt that treaties are in the number of those things that are to be held sacred by nations? By treaties the most important affairs are determined; by them the pretensions of sovereigns are regulated; on them nations are to depend for the acknowledgment of their rights, and the security of the dearest interests. Between bodies politic, between sovereigns who acknowledge no superior on earth, treaties are the only means of adjusting their various pretensions; of establishing fixed rules of conduct; of ascertaining what they are entitled to expect, and what they are to depend on. But treaties are no better than empty words, if nations do not consider them as respectable engagements, as rules which are to be inviolably observed by sovereigns, and held sacred throughout the whole earth." And *Vattel* continues, in the same page, section 220, that "the faith of treaties, that firm and sincere resolution, that invariable constancy in fulfilling our engagements, of which we make profession in a treaty, is therefore to be held sacred and inviolable between the nations of the earth, whose safety and repose it secures; and if mankind be not wilfully deficient in their duty to themselves, infamy must ever be the portion of him who violates his faith." He did not wish to see the charge retorted on his Government that had been so correctly made by her in regard to

Spain. To disregard the treaty under which Missouri claimed admission into the Union, would be a double breach of faith; first, as it regarded the power with whom it was made; next, in relation to the people of Missouri, for whose exclusive benefit the third article was introduced. *Vattel*, in the same page, section 221, declared, that "he who violates his treaties, violates, at the same time, the law of nations; for he disregards the faith of treaties—that faith which the law of nations declares sacred; and, so far as depends on him, he renders it vain and ineffectual; doubly guilty, he does an injury to his ally—he does an injury to all nations, and inflicts a wound on the great society of mankind." Mr. S. called on gentlemen to know if they were prepared to bring this charge on their Government, or to sustain it themselves? Were gentlemen ready to sport with the engagements of the nation, and set the faith of treaties at defiance, by subjecting them to whimsical and constrained constructions not recognised by the laws of nations, and in opposition to the plainest dictates of common sense? He believed he had now sufficiently established the indispensable necessity of keeping promises, alike interesting to the contracting parties, and to the universal society of mankind.

But the intention and meaning of the treaty of cession had become matter of great doubt with gentlemen in favor of the restriction. The meaning of the treaty is said to be involved, and the words used obscure. *Vattel*, page 249, section 273, said that "words are only designated to express the thoughts; thus, the true signification of an expression in common use, is, the idea which custom has affixed to that expression. It is, then, a gross quibble to affix a particular sense to a word, in order to elude the true sense of the entire expression." The word "incorporate" had been said not to mean admission as a State into the Union. Had the law of nations and the known rules of construction been silent, the plain and common sense of every man would teach him what was the intention of the parties to the treaty from the "entire expression." It was not fair to select a single word from a whole sentence, and on that alone to bottom what the construction of the whole sentence was, or ought to be. *Vattel*, page 249, section 274, declared that "all these pitiful subtleties are overthrown by this unerring rule. When we evidently see what is the sense that agrees with the intention of the contracting parties, it is not allowable to wrest their words to a contrary meaning. The intention sufficiently known furnishes the matter of convention—what is promised and accepted, demanded and granted." What, then, was the true and legitimate understanding of being "incorporated into the union of the United States?" Did it, as some gentlemen supposed, furnish the people with the privilege of removing from the territory, from their property, and their homes, into Illinois, for example, and there of being incorporated as citizens of the United States as a part of the State of Illinois into the Union? And would this comport with that part of the treaty that secured to

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

the inhabitants their liberty and their property? This would be a passing strange construction of the treaty in fact, to provide for maintaining the citizens in the full enjoyment of their "property," which, to obtain the advantage of incorporation into the Union, you secure him the "liberty" to leave. A construction such as the one contended for by gentlemen would not only operate the greatest injustice, and that we were not at liberty to suppose a just notion would do, but would lead to an absurdity which we ought always to avoid. *Vattel*, page 252, section 282, said: "Every interpretation that leads to an absurdity ought to be rejected; or, in other words, we should not give to any piece a meaning from which any absurd consequences would follow; but must interpret it in such a manner as to avoid absurdity." He could not resist the conviction that an interpretation which required of the people of Missouri to abandon their property to secure their liberty as citizens under the treaty, or that forbid their admission into the Union, but in conjunction with some portion of the ancient territory, was, in the language of *Vattel*, "a gross quibble," and an "absurd construction," not within the intention of the parties to the treaty, which intention, in all cases of national and municipal law, was always to be regarded in construing the instrument.

Mr. S. said that this great rule of construing the instrument, with reference to the intention of the parties, was laid down by *Vattel*, page 258, section 291, "to defeat the pretexts and pitiful evasions of those who endeavor to elude laws or treaties. Good faith adheres to the intention, fraud insists on the terms, when it thinks that they can furnish a cloak for its prevarications." The fatal results that would accrue to the rights of one party, was it left for the other to put such construction as suited his interests and views on the instrument, was too apparent to require elucidation. *Vattel*, page 245, section 265, gives it as a "general maxim or principle, on the subject of interpretation, that neither the one nor the other of the parties interested in the contract, has a right to interpret the deed according to his own fancy." Nothing could be more clear than the propriety of the rule, was it competent for one party to disregard the intention and put such construction on any instrument as comported with the views or policy of his "fancy." It would result in this, that, having the liberty of affixing such meaning as you please to my promise, you would have the power of obliging me to do whatever you choose, contrary to my intention, and beyond my real engagements; while, on the other hand, if I am allowed to explain my promise as I please, I might render them vain and illusory by giving them a meaning quite different from that which they presented to you, and in which you must have understood them at the time of your accepting them. Neither Missouri nor Congress had the exclusive right of interpreting the treaty under which Missouri claimed admission. He was however willing, on the part of Missouri, to abide by that construction which those rules would furnish that had been established and practised on

long anterior to 1803; and he had no hesitation in saying, that the people he represented would abide by, and redeem his pledge, on this, to them the most important of all subjects.

Mr. S. would not state it as his own opinion only, but would support it by another reference to the law of nations, *Vattel*, page 245, section 226, that, "on every accession, when a person could and ought to have made known his intentions, we are to assume for true against him what he has sufficiently declared." This was an incontrovertible principle, and was equally applicable to every description of agreement, whether, in its character, of a public or private nature; it was a duty which both individuals and States owed to each other, who did not mean to make a vain play of words to express themselves with truth, and according to their real intentions; were it otherwise, it would be perfectly useless to form contracts or treaties; if the meaning could be clearly collected from the whole tenor of the instrument, we were to take that as his evident intentions. *Vattel*, page 246, section 268, said that, "in the interpretation of a treaty, or of any deed whatever, the question is to discover what the contracting parties have agreed upon, to determine precisely, on any particular occasion, what has been promised and accepted; that is to say, not only what one of the parties intended to promise, but also what the other must reasonably and candidly have supposed to be promised to him, what has been sufficiently declared to him, and what must have influenced him in his acceptance." He inquired of gentlemen whether, honestly and candidly, it was not sufficiently evident, from the whole tenor of the treaty in question, that the United States had promised to admit the ceded territory into the Union as States; and whether that did not appear to be one of the conditions of the acceptance of the terms, and the transfer of the country? Gentlemen had made the inquiry—"on the words of which of the parties was the greatest stress to be laid?" He was prepared to give, from high authority, a conclusive answer to this interrogatory. *Vattel*, page 245-6, section 267, said, "it is very certain that, in order to discover the true meaning of the contract, attention ought principally to be paid to the words of the promising party, for he voluntarily binds himself by his words, and we take for true against him what he has sufficiently declared." The United States had voluntarily promised to "incorporate the inhabitants of the ceded territory into the union of the United States," and we were to take for true that such was the understanding of the parties to the treaty; and upon this ground the people of Missouri claimed admission into the Federal Union as a State.

Mr. S. would not enter into the argument whether the President and Senate could, by treaty, bind this House to the performance of any engagements; whether the treaty-making power could or could not lay Congress under obligations, was an abstract proposition, and not the question under consideration. The treaty under which

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

Missouri claimed her rights had not only been made by the Constitutional and competent authorities of the nation, but had actually received the sanction of this House, and of every branch of the Government in every practicable way. Various acts of Congress had been passed appropriating money to carry the treaty into effect to authorize the President to take possession of the country, to establish territorial governments within the territories—lifting them from grade to grade of government, until Louisiana had, in pursuance of the treaty and of the promise contained in the act of the second of March, 1805, been admitted as a State into the Union, even without any restriction in relation to slavery, and Missouri had now come prepared to take the same step; and, however valid the objection of gentlemen might have been at an early day, before Congress had acted in regard to the treaty, it was now too late to make the objection, after an uniform concurrence of various acts of legislation, acknowledging the binding force of the treaty for eighteen years.

The treaty, then, having been made by the constituted authorities of the country, having received the uniform sanction of the National Legislature, and being in its object and terms sufficiently clear, the only remaining question on this head was, what obligations the Government were under by the treaty, and what were the rights of the people of Missouri. *Vattel*, page 196, section 164, said, "as the engagements of a treaty impose on the one hand a perfect obligation, they produce on the other a perfect right. The breach of a treaty is, therefore, a violation of the perfect right of the party with whom we have contracted, and this is an act of injustice against him."

The obligations on the part of Congress, under this valid treaty, were "perfect" or absolute; the rights of the people of Missouri were also perfect, in contemplation of the parties and the law of nations; they had the real and indubitable right to require the fulfilment of the engagement, a refusal was a violation of the right, and of the original obligation; there would no longer be any security in the commerce or contracts between mankind, if the faith of promises were not regarded in relation to each other; the security, the happiness, the tranquillity, of the whole human race depended on justice, and the regard that was paid to the rights of others. The rights of the people of Missouri, under the treaty, were not limited to the bare admission as a State into the Union; its provisions extended to securing them in their actual possessions and the rights of property; their right to ask, nay, even demand admission into the Union as a State, so soon as they had numbers sufficient to entitle them to a representation on the floor of Congress, was perfect, and, he hoped, would not be evaded or refused.

Mr. S. would now proceed to show, that, whatever might have been the original power of Congress over the liberties and property of the people of Missouri, they had parted with that power, and confirmed the people in all their rights; and that Missouri has the right, both on the ground of written law and custom, to declare exemption from the

restriction in question. The act of 1803 authorized the President to take possession of the country, and to fix a temporary government; and that act showed that Congress, at that time, felt something like a due regard for the rights of the people, and the obligations of the treaty; for it had authorized the President to employ all means, including military force, to maintain and protect the inhabitants in the free enjoyment of their liberty, property, and religion, using the express words of the treaty of cession. The act of 1804, by which the province was divided into two territories, and a temporary government established for each, so far as regarded Missouri, extended the powers of the Governor and Judges of Indiana over that Territory, and gave them full legislative powers, but required that all the laws which might be passed should be transmitted and laid before Congress. When those officers went to the Territory they found it full of slaves, and one of the first laws they ever enacted, on the 1st of October, 1804, was that regulating slaves; this law, regulating the relations between master and servant, was reported, by the Governor and Judges, to be laid before Congress; and, as it might be out of order to say that Congress had not done their duty, he was at liberty to conclude that they had passed on, and approved of the statute. This law had laid open to Government the actual condition of the country; and, although Congress, with a full knowledge of this fact, had again, as early as the 3d of March, 1805, legislated in regard to the territory, yet it had never entered into their views to interfere on the subject; on the contrary, the 9th section of the act of 1805, expressly confirmed and sanctioned all laws in the territory at that time, of which that regulating slaves was one, so that we were no longer left to infer the consent of Congress to the territorial law of 1804, as regarded slaves, but were at liberty to state that Congress had solemnly recognised this description of property, and the right of the people to retain and regulate it. In fact, the 13th section of the law of Congress of 1804, had recognised and continued in force all the laws of the territory at the time of acquisition, until the same should be altered, modified, or repealed, by the local legislature.

All the Spanish and French laws, written and unwritten, had recognised the rights of the people to have slaves, and Congress expressly acknowledged their validity and binding force. The act of 1804 had made a distinction between the Territories of Orleans and Louisiana, (now Missouri:) the 10th section of that law had prohibited Orleans—first, from importing slaves; second, from introducing those imported after 1798; and, thirdly, against all introduction except by actual settlers. But those provisions were confined to the Territory of Orleans, and never were extended to the upper territory; it was so much more inland that Congress believed it unnecessary to make any provisions on the subject, and the upper territory was left to act according to her own discretion. The two acts of Congress of the second and third of March, 1805, had made another distinction that was favorable to the pretension of Missouri: by those laws the omnipotent ordinance of 1787, with

the exception of the 6th article, was extended to Orleans; but no part, or clause thereof, had ever been extended to Missouri; and the honorable gentleman from New Hampshire (Mr. CLAGETT) was vastly mistaken when he supposed that the ordinance was ever extended to Missouri, either by positive law, or the inference he had drawn from the powers of the Governor and Judges of Indiana having been extended over the Mississippi. It certainly could not be sound reasoning to say, that, because those officers, when in Indiana, were subject to the operation of the ordinance, that when they crossed the Mississippi, they had carried it on their shoulders and packed it on the people of Missouri. Orleans, however, notwithstanding the inhibition in regard to the introduction of slaves contained in the act of 1804, and the extension of the ordinance by the law of 1805, had been admitted into the Union as a State, without any restriction; and Missouri, although never subjected to any restriction or control, in relation to slaves, was now, for the first time, after a lapse of eighteen years, during all which time every encouragement had been given, and the tenor of every act run counter to the present pretensions, to be apprized of this disposition on the part of the Government, and suspended from the Union if she refused to comply. All the laws to which he had referred, were passed during the time the territories were in the first grade of government; and in each act, Congress seemed to have reserved something like a superintending power over the territorial laws, by having required copies of all their acts to be transmitted to be laid before Congress.

But the act of the 4th June, 1812, establishing the Missouri Territory, and giving the second grade of government, had dropped this and all other provisions, indicating any thing like a superintendence over the laws of the territory, and had given to the local legislature all legislative power without reserve. This act had given to the Executive all the powers possessed by the Executives of the States, and even more, for the Governor had, in addition to granting pardons for offences against the territory, the power to grant reprieves for crimes against the United States. This law had regulated the representation, and based it on the free white population of the country; thereby acknowledging that Congress were well apprized of the existence of other than free whites in the territory. This act, in addition to the treaty, naturalized the citizens and regulated their privileges; and again declared that free white males alone should be eligible to offices, and competent as jurors. It gave to the legislature the right to regulate the rules of its own proceedings, freedom from arrest, and from question elsewhere, and all and absolute powers of legislation, excepting and reserving none; and again confirmed all laws in existence in the territory up to that time, of which that regulating slaves, as formerly, was still one. The 14th and 15th sections of the act of 1812, contained all the provisions, that now formed the propositions to the State, in the law under consideration; they were all the people had notice of, or had the right to expect Congress would require, at the time of their

admission, and all, he believed, Congress could reasonably ask or constitutionally impose.

Mr. S. would now endeavor to point out some of the absurdities and inconsistencies growing out of this sweeping doctrine of gentlemen. The lovers of this country ought to remember that the General Government were gradually assuming authority, and increasing the latitude of construction. Did members understand what Missouri required of Congress? She did not ask a magna charta, or to have a bill of rights dealt out to her, for she had both in the Constitution of the land and in the treaty of cession—she only asked of Congress the mere means of organization. Missouri might do, by her local legislature, what she desired Congress now to do; she might authorize, by virtue of inherent right, the election of members to a convention; and that convention, when met, might form a constitution—she might do all this, and produce the patriotic State of Tennessee and others, as an example.

The only difficulty that could exist in this course, would be that of boundaries; on the one hand, all the people intended to be included within the State might not be represented in convention; on the other, the convention might, in part, be composed of members, some of whom might not ultimately fall within the State boundaries. It was not by virtue of any grant from Congress that the people of Missouri derived their right to form a constitution; if it was, then it would be competent for gentlemen to argue that Congress could impose conditions in making the grant. The leading spirit of all American institutions, nay, the essence of American liberty, was, that the people had the inherent right to make, mend, alter, change, and modify, their own form of government. Missouri, then, only asked the assistance of Congress in calling a convention, and not to dictate what that convention should do when assembled. But, in affording this assistance, which was mere matter of form, Congress were undertaking to attach to it matter of substance, and to regulate the State of Missouri, and that, too, permanently and forever, on one of the most important points of internal policy.

It might be important on this question to clearly understand what was a constitution. Mr. S. would define it to be, a fundamental law, establishing a form of government, defining its parts, its powers, its relations, and its duties, being paramount to, and even controlling, the Legislature. The power that bound a legislature must be sovereign; the authority that made a constitution was that sovereign power, and ought to be above all human control. But, if Congress had the authority both to bind the Legislature of Missouri and to control their convention, then it followed that Congress were the sovereigns of the people of Missouri, and they were not left the poor privilege of choosing masters. The essential attributes of sovereignty, of saying who shall be the rulers, and what quantity of power they should have, and how distributed, was taken away from the people. Time and experience, by which all governments improved, would be of no use to that people, in re-

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

gard to one part of their constitution. The independence of the State, so far as it could be effected by the operation of the restriction, was gone, and all modification of their government, so far as it depended on their constitution, was to be inhibited to them. Among the constellation of States, seeming to act in concert under one common head, claiming the advantages and privileges of one common constitution, Missouri would present an anomalous case of a people in America not governed by their own consent and free will, but by that of another; yet, it was pretended that this was self-government; it was, however, a limited, degraded, conditional, dependent independence, unknown to the principles and genius of our institutions. The very act of forming a constitution was a sovereign and independent exercise of power, resting alone, for the authority to do so, on the free will of those concerned, and on the law of man, which was paramount to all law and all constitutions, and, were we to go back one step more, it would be found that the election of members of a convention was one of the very first independent and sovereign acts that a people could do; for, was not the election of members of a convention a sovereign act, the sovereignty of the people would not be represented, which was essential in fixing first principles and establishing a form of government. But, how did the case stand here? It was true that Mr. S. was now heard, and was pleading the cause of the people of Missouri—yes, poorly pleading it; but was Missouri represented here? Had he a vote to give on this or any other question, and was he ever to give his assent, it would not bind the most obscure individual in the land; and he was still further deprived of the privilege of entering his dissent to this measure on the Journals of the House. The restriction under debate was to form an irrevocable feature in the constitution of the State of Missouri, and Missouri was not only unrepresented in Congress, but she was to be deprived of the privilege of being represented even in convention on this point—that was, she should not exercise her free will on this as on other questions to be taken into consideration in the formation of her constitution, but was absolutely and unconditionally to submit to the restriction. This being the true state of the case, it resulted in this absurdity, that part of the constitution of the State of Missouri was to be left to the people, subject to such alterations and modifications as time and experience should render necessary; but the other portions of the constitution Congress were parties to, being matter of compact, and, like the laws of the Medes and Persians, was irrevocable and unalterable. The corollary, of the most inconsistent character, that resulted from the restriction, was, that a portion of the constitution of the State of Missouri would derive its existence from Congress, while another portion of the same constitution gave being to a part of Congress itself; where the conclusion was so repugnant to the dictates of common sense, we were compelled to acknowledge that the premises were somewhere wrong.

Mr. S. had said, that an act of Congress to authorize the people of Missouri to elect members,

and to meet in convention, was mere ceremony, and might have been done by the Territorial Legislature. In performing this act of ceremony, what were Congress about to do? They were about to interlope a condition, the effect of which, if Missouri refused to accede, was, the authorized convention of the people of Missouri was not an authorized convention; and the constitution itself, which they had formed in pursuance of law, and by virtue of inherent rights, was not a convention, and every conclusion drawn from the necessary independence essential to the act amounted to nothing.

Congress were about to prejudice the people of Missouri. How did gentlemen know what provisions they intended to make in their constitution? How did gentlemen know whether the constitution of Missouri would be republican or otherwise? With the aid of all their optics and political sagacity, they were not able to pronounce that the people of Missouri would not tender a constitution in every way comporting with the letter and spirit of the Federal Constitution, and perhaps complying with the wishes of gentlemen. This was not the time to talk of conditions: impartial judges always waited till the whole case was laid open, before they made up their opinions. Congress, then, ought to suspend their operations until they had seen and examined the constitution of Missouri: it was then, and not till then, that Congress could be able to determine whether its principles were republican, and its provisions just. Mr. S. was disposed to be charitable, but he really could not believe that gentlemen were serious when they contended that Congress, as the guardians or masters of the *Territory of Missouri*, had the right to dictate what should be the attributes of sovereignty of the *State of Missouri*, hereafter to be formed. He protested against the principle that the representatives of States and the people could rightfully impose shackles or restrictions on the States or on the people. This would be reversing one of the plainest maxims, and placing the creature above the creator; for Congress—nay, the Federal Constitution itself—was but the creature of the people and of the States. Suppose the people of Missouri were to meet in convention, under this law of Congress, and to make a constitution comporting with all its provisions, save only the restriction, and that they were to reject—what would be the consequences. Had gentlemen weighed them, as it was their duty to do? Could Congress do any thing more than refuse her admission? Would Missouri progress, as a State government, out of the pale of the Constitution and your laws; or would she resolve back to a Territory?—A case that might lead to awful consequences, and quite probable to occur, might with great propriety be here stated for the consideration of the members. Missouri having formed her constitution, proceeds to organize her government, elects her Governor, establishes her judiciary, appoints her judges, and proceeds as a State. Congress, in consequence of her not complying with the restriction, affects to consider her as a Territory, and appoints her a Governor, commissions her judges and other offi-

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

cers, and they repair to their posts to undertake their duties. The people of Missouri say, you are not our officers; we will not be ruled by, nor will we submit to, your adjudication on our rights. What were gentlemen prepared to do? Would they shamefully retreat, and permit Missouri to be triumphant, or would they rally an army, and force submission at the point of the bayonet? What! shed the blood of the people of Missouri—your friends, your brothers—because they contend for the right of self-government—for being Americans! That portion of the States that think Congress have not the power to impose restrictions on the people of Missouri will not join in the crusade, nor will they suffer Missouri to be subdued; because, if she falls in contending against the principles of the restriction, their turn will next come. The bayonets of Southern and Western men would not reach Southern and Western hearts. If it had been foretold by any one, that in the short period of thirty-three years after the adoption of the Federal Constitution, that in America the spectacle would have been exhibited of a portion of the people contending for the right of self-government, and the right was to them denied, he would not only have been placed among the false prophets of the day, but would have been called a madman, if not a fool. And yet such was the melancholy fact, and that, too, gravely contended for on the floor of the American Congress! But this was not the only danger, if the doctrine of the restrictionist was carried into practice. There were others, that, if not so immediately obvious, were equally certain; one was, that, under this latitude of construction, Congress might go so far as to make the new States depend on Congress for all their powers and all their privileges. New States thus admitted might in the end enlist on the side of the General Government, and swallow up the old States—producing consolidation. They would naturally feel degraded, and entertain at least a disposition to abridge the superior privileges of other States, and reduce them to a level with themselves, while the other side would present a view of the great embarrassments that would arise in defining the proper line of jurisdiction among a confederation of States, not possessing the same powers and privileges. Jealousies and distrusts must follow such a state of things, that would have a tendency to disunion; nor was it reasonable to suppose that any State would long support the General Government, if that Government interfered with its domestic concerns.

It has been rightly said that this part of the Constitution was matter of compromise. The framers of that instrument had taken special care not to interfere on those subjects where the feelings and interests of the several States were so much at variance. Gentlemen, however, more wise than their ancestors, wished to do that, by an act of general legislation, which the Constitution had thought most prudent to leave to the States respectively. If Missouri was not to have the right of domestic slavery, from whence did the other States in the Union derive the right? They enjoyed it before the Confederation; they enjoyed it under

the Confederation; and stipulated for its duration and preservation under the Constitution—that Constitution which provided for, not only the States that were then parties thereto, but for all other new States that Congress might thereafter admit to a participation in the compact.

Mr. S. could see no essential difference in principle between dictating the whole or any part of a constitution to a new State, and the alteration or total abolition of the constitution of an old State; that feature, or rather that silence in the constitutions of some of the States, which permitted the citizens to hold slaves, seemed particularly to fall under the ban of gentlemen, as anti-republican. If such was the fact, and the power contended for, in relation to Missouri, was possessed, why not, at one dash, blot it out from all those constitutions? Why not, in the rage for universal emancipation, liberate all the cuffs of the nation; bring them to the hustings; let them vote; make them alone, or in part, eligible to all the offices in the Government; place them under the canopy where the chairman was then sitting; fix them in the judgment seats; promote intermarriages; and make us one people? If Congress had the right to abolish slavery, they must have concurrent right to abolish the right of representation attached to them. Why did not gentlemen go the whole? Why fritter down, by piecemeal, the rights of the slaveholding States? But look at the other side of this mammoth power. He desired to bring the question home to gentlemen. A member from Ohio (Mr. BRUSH) had contended that, under the 8th section of the Constitution that gave Congress the power "to provide for the common defence and general welfare," they could impose the restriction on Missouri, because he had assumed it for granted, that, to limit the negroes to certain latitudes, and to confine them within certain limits, would be promoting the common defence and general welfare. Now, what would contribute to the common defence and general welfare was mere matter of opinion, and it was not always that the means used produced the end; a mistake in the one was sure to defeat the other, and it appeared to Mr. S. much more reasonable to suppose that the common defence was weakened, and the general welfare much more endangered, by confining the slaves within certain districts, condensing their population, and enabling them to act in concert, than to spread them over a vast extent of territory, distributing them in small proportions among the whites, and thus prevent the probability of insurrection, from a want of capacity to concentrate their forces. If, then, an occasional majority of Congress had the right, under this or any other clause of the Constitution, to say that, in their opinion, it promoted the common defence and general welfare that slavery should not exist in certain States of the Union; a counter majority, at any other time, under the same clause of the Constitution, would have the power to declare that it comported with their views of common defence and general welfare that it should exist in all the States, and that the non-slaveholding States should admit slaves within their borders,

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

under pain of suspension or expulsion from the Union. How would gentlemen then stand affected? Would they not then declare against this mighty power, exercised upon mere speculation, whether this or that measure promoted the common defence and general welfare of the nation? In point of fact there was but little, if any, difference between taking away, or forcing upon, any person or people that which they did or did not want; each was equally a violation of their rights.

Governments were instituted as much for the protection of the property as the person of the governed. So sacred was this principle that, in no instance, by the Constitution of the land, could private property be taken, even for public use, without compensation. But what compensation was offered to Missouri for this privation of her rights? What remuneration was offered to the slaveholding States, who had an equal interest in Missouri with the non-slaveholding States, for this deprivation of their right to emigrate to that country with their slaves? Did not the restriction take from this portion of the community a part of their interest in that Territory, and diminish the value of the lands they had already purchased for themselves and their children? In fact, it amounted to a fraud on the purchasers; the lands had been sold while certain regulations existed, that induced them to purchase, and to pay a higher price for the soil; but, so soon as Congress reap the advantages of these false-pretences, they then, for the first time, foreclose the right of the citizens to take with them their hands to operate on the soil which they purchased, alone with that view. Between individuals in a court of justice, (if there was any justice left in the land,) money, paid under such circumstances, could be recovered back, and the enforcements of the out-standing payments be enjoined. By the Constitution of the Union, Congress could pass no "*ex post facto* law, or bill of attainder, or any law working the corruption of blood, or forfeiture of property." The restriction in question was *ex post facto*, as regarded the Missourian, because it divested him of a vested right in the liberation of his slaves; it was *ex post facto* as related to the vested right that the purchaser of land acquired at the time of purchase, to take with him to the country any description of property that would facilitate the improvement and cultivation of his land. Such was the inducement and reasonable expectation at the time of purchase. Let the restriction become a law, and the emigrant would stand attainted and convicted of a crime that operated a forfeiture of his property, if he removed to the State of Missouri, and took his slaves with him; and that amendment to the 5th article of the Constitution which declared that no person should be deprived of life, liberty, or property, without due course of law, became inoperative, and the citizen was divested of his property without Constitution, or law, or judge, or jury. Surely gentlemen were wrong when they sought refuge for the power to impose this restriction under that portion of the Constitution that authorized Congress to "regulate the intercourse between the several States, and between the Uni-

ted States and foreign Governments." Missouri was not yet any portion of a foreign Government; and the right to make regulations between the several States, was essentially different from making a restriction or regulation in respect to one particular State. When Congress acted between the several States, they had an eye to something like reciprocity; but here there was none—all the advantages and privileges were taken from Missouri, and none given in exchange.

By the principles of the Revolution Missouri could not be taxed without a representation and her own consent, yet she had been taxed during the late war, and had most cheerfully furnished her quota of men and of money, without murmuring or exhibiting one symptom of discontent. So much for a people's surrendering the smallest portion of their rights. Gentlemen, presuming on their patriotism and love of country, were now, in continuation, about to tax them out of their rights and privileges, and leave them without the means of redress.

Mr. S. would ask gentlemen whether the people of Missouri were to be considered free and independent before the formation of their constitution and admission into the Union? or, whether they became free and independent only after their admission as a State? If they became free and independent alone by the act of admission, then it would follow that they were not competent to form a constitution, because they did not possess the free will and sovereignty that was essential to such an act; and as the General Government was confederated, and formed by compact, Missouri could not be considered capable of entering into the compactive Union because she was not a free agent. But if, on the other hand, Missouri was to be considered as free and independent before she formed a constitution and was admitted into the Union, how was she to lose that independence after her constitution was formed? The case had already been supposed, that Missouri, having formed her constitution, proceeded to her operations as a State; he would now put it to gentlemen in another shape, and inquire if they did not intend to use force, to what other description of process they would resort to effect a repeal of the charter of Missouri? A *quo warranto* had been named. What! declare Missouri out of the pale of the Constitution, not amenable to your laws, not a member of the federal family, and consequently, not within the jurisdiction of your courts; and yet to issue, from one of those very courts, a *quo warranto*, to inquire by what authority the people exercised the right of self-government? Mr. S. said that if it was reserved for him to make a return to that writ he would endorse upon it the Declaration of Independence, and reply that the right was from God. Gentlemen would find, that, if such an unhappy state of things was produced by the restriction, it would be necessary to issue some other description of process to deprive that people of their right of self-government.

It certainly did not require any argument to prove that Congress could not incorporate a people and make them a State without their consent, and

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

if they could not, it followed that the converse of the proposition was true, that it was their own free will and consent that made them a State, and not the act of Congress. Members, however, had taken the other ground, and had argued as though the law in debate was to constitute the State of Missouri; but the manner of its application was indeed very singular—it was thus: That if the constitution of Missouri, made in pursuance of this law, turned out to suit Congress, then the State and the people were to be considered as *ex post facto independent*, but if that constitution, on presentation, was not palatable, then, this *leger-demain policy* did not attach to the condition of Missouri, and she was to be considered as not having acted at all. The same laws and principles of eternal justice, that ought to regulate individuals in their private transactions, ought also to be regarded by States and nations; one of these was, that a bond or an indenture, entered into under duress, was not binding on the party. By a parity of reasoning, was Missouri to form a constitution under the ban of the nation, would it be binding on her after admission?

If the ground taken by gentlemen, practically speaking, be correct, that all negroes and their increase are naturally free, why dragoon Missouri into a Constitutional acknowledgment of the fact? Why make them declare what the law of nature had already declared? If, on the other hand, the attitude assumed be indefeasible, why enact a restriction that the State could turn round and repeal? Why produce such an unpleasant collision between the Federal and State authorities? It was, indeed, matter of regret to see gentlemen persevere in spending their time and the people's money in legislating to no effect, as though they were deputed here to rivet, either by direct or indirect means, the shackles on a portion of their fellow-citizens. Missouri did not intend, by any act of hers, to furnish the argument, that she had consented to remain in, or to return to vassalage. And was she to meet and form a constitution under such circumstances, and then, at any subsequent period, to attempt to alter the restriction, or shake off this odious badge of degradation and distrust, the advocates of the measure would then say, that, whether they had the right to impose the restriction or not, Missouri had consented to it; that the people had voluntarily entered into terms; and that they and all posterity were bound on the subject. This would be an unwarrantable, if not an unworthy exercise of power and cunning, on the one hand, against a supposed weakness and simplicity on the other. This, in fact, would only be a supposition; for a people contending for their rights were always strong.

It was his duty to apprise gentlemen of the true state of the case. He owed it to the people he represented, to speak their sentiments and their determinations, of which he was well advised; and he owed it to the Representatives of the nation to tell them the truth, however rash it might be deemed, because the people they represented might one day bleed in contending for and against this restriction. But the truth was, that, although the

people of Missouri were accustomed to look to Congress for many laws, and as the dispensers of all good, they had not lost the dignity of their natures any more than the citizens of States, who were accustomed to look to their own States for supreme authority. The independence of that people could only be taken from them by conquest or consent—he did not deny the power of the General Government to conquer or compel submission, but consent to this restriction they never would. They would not acknowledge that independence was not their birthright with others. Had the Territory of Missouri sufficient physical strength to assert her rights, no attempt would then be made to impose this or any other restriction; her approach to good fellowship and the Union would be hailed from afar; she would be greeted with smiles, and not laughed to scorn.

The authority now contended for would give the equal right to distribute and regulate all the powers of the internal government of Missouri. Under this alarming latitude of construction, Congress might give to the rulers of the State all the powers, and produce an aristocracy, or they might reserve to the people all authority, and yield an arrogant mobocracy; indeed, what might they not do in the moments of mistaken philanthropy and misguided zeal for liberty and equality? Gentlemen might not only prohibit the further introduction of slaves into Missouri; they might not only emancipate all those that were now there, but they might violate the most sacred principles of the Constitution, and establish a standard religion; for it was but one step from the violation of the rights of property to the violation of the rights of conscience.

Mr. S. said, that this was not a question “whether slavery should exist,” but merely where should the slaves, now in America, be permitted to reside? The mistake of this proposition seemed to have measurably produced all this contention and strife. Was this an original question, whether we should subject a portion of our fellow beings to a state of servitude and degradation, he believed that the people of Missouri, from their innate love of liberty, equality, and independence, would be among the first to declare against the principle. But the absolute condition of that description of persons did exist, and actually had existed long before even the first settlements were formed in Missouri; and if there were any advantages to be derived from holding that description of property, the people of Missouri, as citizens of the United States, had the right, in common with others. Congress, in deciding that they should not be introduced, as one of the species of property under our Constitution and laws, were doing that section of country a wrong, because it placed them, in powers and privileges, below other States in the Union; and when a wrong was meditated on any people they alone were the judges; such had been the current doctrine, and so considered by the United States themselves, when they determined on that course with regard to Great Britain, which led to American independence. If gentlemen were not predetermined to fix this restriction on Missouri, and would

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

take the trouble to mount up to first principles, they would find that it was not a mere question of power, growing out of the construction of the Constitution, but that there was another law, paramount to all written rules and regulations, that operated on and controlled the question—it was the law of man; it was his eternal and indefeasible right to self-government. It was an idle calculation to believe that the State of Missouri would lose sight of this law of man in adjusting their constitution or contending for their rights. It was true that the people of Missouri had been a long time in pupillage and wardship, but they had never been in bondage. Although derived from Spain, the citizens were not the poor remnant of Spanish despotism—the great portion of them had been in a land of liberty; they are your relations, your friends, your brothers; each State in the Union had some interest there; and they were freemen, who knew how to appreciate, maintain, and defend their rights. A maxim might with great propriety be here applied; it was, that whenever illegal or improper objects were to be attained, that they drove the supporters of them to improper and illegal means to effect the object. The Parliament of Great Britain, although deemed omnipotent, never had, in reference to the colonies, attempted any thing that would bear a comparison with this restriction, though the powers of Congress were express, limited, and defined. The force of precedent had been illustrated in the course of this debate. Let this restriction prevail, and then *States beware!* for it was thus that a tyrant, about to subjugate the liberties of a people, selected an obscure individual, whose fate would excite no alarm, and, in his destruction, fixed an example, to which, in turn, the most lordly were taught to bow. And thus Congress selected a distant and feeble Territory, whose murmurs could be but indistinctly heard, just o'er the verge of Heaven; and in the sacrifice of its rights, and prostration of its authority, established a precedent that saps the foundation of State authority, and produces consolidation, or, in the end, disunion.

Mr. S. remarked that he had much more to say, but, from indisposition and exhaustion, was unable to proceed; the Committee were also fatigued; the question of expedience and other topics he had left entirely untouched; but, from the labored and able investigation the subject had received, he was willing to trust the rights, the happiness, the fate of Missouri, with the House. Her present prosperity and future greatness depended on the decision; if gentlemen could take the power, he entreated them not to exercise it; the affections of the people of Missouri had been put to many severe trials in the course of eighteen years, but they could not endure forever; and he appealed to gentlemen's unquestionable knowledge of right, and native love of justice, not to add this restriction to the list of grievances of that people.

Mr. MEIGS, of New York, spoke for some time against restriction.

Mr. ADAMS, of Massachusetts, made a few remarks in favor of the restriction.

Mr. TUCKER, of Virginia, said he should not

have ventured to trespass further on the time of the Committee if his objections to the proposed amendment, particularly as to its expediency, had been anticipated by those who had gone before him in the debate. There is, indeed, said he, Mr. Chairman, something peculiar in every man's views of the subject, who exercises his own powers of reflection, and it is only by looking at it under these different phases that we can form a just estimate of its bearings and dimensions. I am the more desirous of speaking on the policy of the proposed restriction, because a distinguished member from Pennsylvania (Mr. SERGEANT) has said that Virginia had no interest in this question. Sir, I think I can show, to every unprejudiced mind, that it threatens, not only the peace and welfare of Virginia, in common with all the slaveholding States, but their very political existence.

Before I consider the constitutionality of this restriction, I beg leave to say a word on the subject of precedents. The member from Pennsylvania who spoke yesterday, (Mr. BALDWIN,) has, perhaps, rendered it unnecessary that I should address you on this topic. He has shown, by arguments which it would be difficult to answer, that the precedents on which the supporters of the amendment so much rely, either have no application, or, if closely examined, disprove the existence of the power now claimed for the Congress of the United States. But, sir, suppose these precedents to be of a different character, what is their authority?

The effect of precedent, in a Constitutional question, seems to be derived from the presumption that those who have made the decision have heard the arguments for and against the power sought to be exercised, and have, after due deliberation, decided. But, when we know that this presumption is not the fact, and that the power in question has hitherto been exercised without controversy or examination, I think that precedents of this sort are entitled to little or no weight, and that those who deny the existence of the power have a right to ask those who assert it to point out that particular part of the Constitution from which it is derived. The advocates of the amendment have virtually admitted the reasonableness of this claim, as, while they have insisted on the force of precedents, they have directly inferred the power they contend for by arguments drawn from the Constitution itself.

In the examination of this doctrine, I shall confine myself to that clause of the Constitution which speaks of the admission of new States; for, although other parts of that instrument have also been referred to, in support of the restriction, yet, every gentleman on that side of the question has laid the chief stress of his argument on this clause, and some have relied on it altogether. They contend that the right in Congress to admit new States into the Union implies the right to refuse admission. This, I agree, is a fair implication. But they further insist, that the right to admit or reject implies the right to impose terms on admission, and they support their position by the legal maxim, *cujus est dare ejus est disponere*—he who can give may regulate his gift; may say how

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

he gives. Sir, this is not true, even in municipal law. If there be a grant in fee simple, on condition that the grantee shall not alien, the condition is void for repugnancy, and the grant is absolute; so, also, of a condition in violation of law or against its policy.

But the rule is still less true in Constitutional jurisprudence. It may sometimes be expedient to give the power of rejection, and to refuse that of admitting on condition. The one may be deemed safe and salutary; the other, inexpedient and dangerous. Examples of this sort are frequent in our Constitution. Thus, the President may approve or reject a law, but he cannot propose amendments. It is true, he has but a qualified veto; but, in those cases in which a law has passed by a majority of both Houses, but with less than a majority of two-thirds, the argument is the same as if his negative were absolute. I appeal to every member of the Committee, whether, if the President possessed the power of making amendments, it would not be a greater power than that of absolute rejection? The one has been exercised but two or three times since the formation of the Government; the other would be a matter of daily recurrence. Thus, too, in the constitution of Virginia, the Senate has the unconditional power of rejecting money bills, but not the power of amending them. And, in like manner, it would be a less power to refuse the admission of a new State absolutely, than, by taking advantage of its anxiety to come into the Union, to mould its constitution, in a great degree, according to the pleasure of Congress. The power of annexing conditions, then, being a different, and not, necessarily, an inferior power, the one is not included with the other.

But, Mr. Chairman, if the power of admitting new States into the Union does not give Congress the right of imposing conditions at discretion, still less does it give the right of imposing conditions repugnant to the great principles of the Constitution. We cannot, without the grossest absurdity, infer from that charter a power to effect its own destruction. To do this, would be to make the implied power greater than the express; the creature greater than the creator. But the power of imposing the purposed restriction on the State of Missouri is thus inconsistent with the Constitution.

In the first place, it would alter the proportion of power between the General Government and the individual States. The essence of our complex Government consists as much in this proportion as in any thing else. If Congress possessed more municipal powers, ours would be more a consolidated Government; if a less portion, it would more resemble the old Confederacy. This proportion of power is as much disturbed by lessening the power of the States as by increasing that of the United States. The effect is the same whether you take out of one scale or put into the other: in both cases the balance established by the Constitution is destroyed.

Sir, if you have the right of imposing one condition, not expressly prohibited, you have the right of imposing another. Suppose, then, that Congress should reserve to itself the right of defining

and punishing crimes in the new State, or the regulation of its landed property, or a negative on all its laws, would not the possession of these extensive municipal powers completely change the character of this Government? I would further observe, that this power must appear to be the more dangerous, when we recollect how large a part of our territory west of the Mississippi is yet to be laid off into new States, and that every new State which enters into the Union, with restrictions on its sovereignty, as was well argued by a gentleman from South Carolina, (Mr. Lowndes,) becomes at once an example and an advocate for further restrictions on others. In this way, that Constitution, whose component parts were so cautiously adjusted and so skilfully balanced, would be effectually destroyed.

It is no answer to this argument to say that such an exertion of power as I have supposed is highly improbable. In expounding a Constitution, it is perfectly fair to test the correctness of a principle by extreme cases. Besides, the framers of the Federal Constitution have endeavored to guard, not only against probable dangers, but also against remote possibilities. They have prohibited both the United States and the several States from passing any bill of attainder, than which, according to the settled principles of criminal law at the present day, nothing was more improbable. Thus, too, there is a similar prohibition against the grant of any title of nobility. Surely, when we consider that this institution originated in the days of feudal barbarism, and recollect how much the genius of our people, their habits and laws, all favor an equality of rights, it must be admitted that nothing but a determination to guard against the most distant and improbable dangers could have dictated such a provision.

Mr. Chairman, the proposed restriction is also inconsistent with the Federal Constitution, because it is irrepealable. The framers of our form of Government knew that, in the vicissitudes which time is ever bringing about in human affairs, provisions should be made for correspondent changes, not only in our laws, but in the Constitution itself. Accordingly, there is no rule of action, whether it be prescribed for individuals, for the States, or the Federal Government, which may not be legally changed. Sir, this restriction would either be an act of ordinary legislation, or a fundamental law. If it be a mere legislative enactment, it may be abrogated by our successors: the clause which declares it irrepealable may be itself repealed. If it be a fundamental law, then we cannot pass it. In either case, by attempting to impose an irrepealable condition on the people of Missouri, we attempt to exercise a power which the Constitution has denied us.

In support of these extraordinary doctrines, the advocates of the amendment have found it necessary to draw a distinction between the rights of the thirteen original States and those subsequently admitted. But the Constitution recognises no such principle; and it would be not more an invidious discrimination than it is repugnant to the common sense of mankind. Allow me, Mr. Chairman, by

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

way of illustration, to put a case familiar to all. Let us suppose a voluntary association of individuals, for purposes of business or amusement, who form certain rules for the government of their society, or club; and that one of these provides for the admission of new members. When a new member is admitted, we know that he is placed, in all respects, upon the same footing as the former members, unless, indeed, some previous rule warranted a distinction, or a new rule is made for that purpose. Now, the Constitution is precisely such a set of rules for the association or confederacy of States. It is not pretended that it makes any distinction between its new and its old members; and a new rule cannot be made by you, but solely by the people. I will here take occasion to observe, Mr. Chairman, that, in expounding the Constitution, I think we should be cautious of introducing too much subtlety and refinement in our reasoning; both because that instrument is made in the name of the people, and because the people are, in some form or other, its final expounders. Simple, direct, and manly reasoning, conforming as much as possible to the common sense of mankind, gives us at once the just rule of construction, and the only one which, in great cases, is likely to be carried into effect.

Gentlemen on the other side, however, by way of parrying the force of these objections, have urged that, though the proposed restriction may not be void as a condition imposed, it may be valid as a compact agreed to. But if, as has been shown, new restrictions on the power of States would alter the essential character of the Government, then you can no more consent with another to impose these restrictions, than you can impose them by your sole legislative will. You cannot aid in doing that indirectly, which you are forbidden to do directly. With the limited power delegated to you by the charter which created you, you never can rightfully assume the power of destroying that charter, or of assenting to its destruction. Besides, there must be a third party to such a contract, and the most material party, too, (I mean the people,) before it can be binding.

But, again, sir, in every contract, both parties must be bound, or neither; and the people composing the proposed State of Missouri cannot bind future generations by a compact of this character. An honorable member from Pennsylvania, (Mr. SERGEANT,) by way of obviating this difficulty, has mainly contended, that a State may, by the compact, part with portions of its sovereignty, and he cited several instances of such an exercise of power. But that gentleman did not, with his usual perspicacity, advert to the distinction between two very different exertions of sovereign power; acts which are complete of themselves, and rules of action. The one looks to the present and the past, the other to the future. Thus, a sovereign State may, by expending money, alienating territory, declaring war, and the like, do that which it can neither recall nor control; but, by such acts the State may be said to exercise its sovereignty, rather than to part with it; and it will be found that the examples given by the hon-

orable member were of this character. But, as to the rules of action, whether they be prescribed to the legislature for the future conduct of the citizen, or by the people for themselves, I had supposed that, in this country at least, these might always rightfully be abrogated or changed. Sir, if there be any political principle deemed fundamental among us; if there be one on which the American Revolution rests for its justification, or the right of self-government for its security, it is, that no generation can make laws or constitutions that are binding on their posterity. And this amendment, turn it as you will, is an attempt to make a constitution by law, and to make that law unchangeable.

The same gentleman, as well as his colleague who preceded him, (Mr. HEMPHILL,) contended that the proposed restriction would not impair the rights of Missouri; for, said they, slavery is confessedly an evil and an injustice, and a State cannot claim a right to do wrong. Here, too, the gentlemen have not exercised their wonted powers of discrimination. They confound political with moral restraints; power with right; the possession of the power with the virtuous exercise of it. Thus, to illustrate the difference, every man has the power of regulating the concerns of his own family as he pleases, if he violate not the laws of the land. He may be very capricious and tyrannical, and, no doubt, often is so; but, while he thus violates moral right, he has the power, not merely physical, but political, of thus acting. This is what is called an abuse of power; and, in that sense, a man may properly be said to have a right, that is, the legal power, to do wrong.

I will not detain the Committee by objections to the amendment derived from the Louisiana Treaty, especially as the arguments which had occurred to me on this topic have already been urged by other gentlemen. I will, therefore, proceed to examine the policy of the proposed restriction.

Mr. Chairman, the view I have taken of the consequences of this restriction compels me to regard this as the most important branch of the question before us. I have seen, by ingenious and refined constructions of the Constitution, measures pursued by each of the great parties which have ruled the destinies of this nation, that were supposed, by a large majority of the community, to have violated the meaning of that charter. Such occasions have indeed always produced great party heat and animosity, and interrupted, in no small degree, the harmony of social intercourse. After a while, however, these feelings have passed away. The wounds they created were healed, and their causes forgotten. But, if you persist in this restriction, it is not for human foresight to estimate the sum of its future mischiefs. I beg leave to call the attention of the Committee to some of the most obvious.

It is, in the first place, Mr. Chairman, no small objection to the exercise of this power, that it is unpalatable to the people on whom it is to operate. In the other instances which have been produced, in which conditions have been attached to the admission of new States, these conditions have been

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

entirely acceptable to the States admitted, and such as they would voluntarily have imposed on themselves. But the present is the first occasion in which this Government has attempted to impose unwelcome conditions on a new State. The people of Missouri can see no reason why they should be treated with this unwonted rigor. To tell them that this restriction is for their benefit, is to add mockery to unkindness.

Sir, they claim the privilege, which every free-man asserts, of being the best and the sole judge of what suits them. They say, that all your arguments, derived from morality, religion, or local policy, should be left to themselves, and that, while you affect to receive them as equals you are dictating to them as children; or that you yourselves manifest a distrust of these arguments by your wishing to enforce them with Constitutional provisions. Sir, they are just such men as yourselves; they were a part of yourselves, and they would be unworthy the name of American if they did not feel this condition as a degradation. On the policy of introducing slaves, I understand they are somewhat divided in Missouri, as elsewhere. Many of them, contemplating the moral and political effects of domestic slavery, are opposed to its further extension. Were I there, I should probably be one of this number. But, on the power of Congress to impose the restriction, I learn that there is but one sentiment. They consider it a common cause, which they are bound, upon every principle of self-respect, to oppose; and they already assimilate your conduct towards them to those oppressions of Great Britain towards her colonies which finally produced their independence.

Putting aside the feelings of the people of Missouri, is it not a solid objection to this restriction that your power to impose it is doubtful and contested? However thoroughly gentlemen on the other side may be persuaded that Congress possesses this power, they must know that a large portion of the United States are as thoroughly persuaded that it does not; that, on this question, there is entire unanimity in the slaveholding States; and that, with all the motives to an opposite unanimity in the other States, there is, among them, as well as among their Representatives in this House, considerable diversity of opinion. They must also recollect, that, though these circumstances do not produce conviction, they must produce some doubt, awaken some distrust in the infallibility of human reason in every ingenuous mind. And, Mr. Chairman, when we consider the influence of public opinion on the harmony and stability of this Union, it must always be a matter of regret that the Government should exercise powers that are doubtful, or even disputed. Until habit and custom have had their wonted effect in cementing the Union, its strength and permanency must rest on the affections, the undivided affections of the people, and nothing is more likely to weaken their attachment than a want of confidence in this House, the natural guardian of the people's rights, and their immediate Representatives.

But, Mr. Chairman, the immediate effects of this restriction, important as they are, shrink into insignificance when compared with its distant consequences. I ask the indulgence of the Committee, while I endeavor, as briefly as I can, to be intelligible, to bring them to their notice.

It will be admitted that our numbers will continue to increase, at their present rate, or near it, until they are checked by a diminution in the means of subsistence, and that the means of subsistence will be abundant and easy, so long as we have fertile lands to settle and cultivate. These principles of population, now so familiar to all, were first distinctly stated, so far as my information extends, by Sir James Steuart. They are also noticed by Dr. Franklin, and seem to have been an original suggestion of his own good sense and sagacity. But, their influence in producing human misery and vice, and in circumscribing the efficacy of governments, were never fully developed, before the appearance of Mr. Malthus's Essay on Population, which I cannot but consider as a work of great ability. I make these remarks, because the censure of my colleague (Mr. RANDOLPH) on this writer, the other day, was general, though probably it was intended to apply to the author's theory of the poor laws, and not to the principles of which I have spoken.

From these undeniable principles it follows, that, if the blacks be confined to the present slaveholding States, while the whites are left free to emigrate to the more tempting regions of the West, the ratio of blacks to whites must be continually increasing, until our population has reached the Pacific.

It has, however, been contended that the blacks thus confined to the slaveholding States will increase more slowly than if they were allowed to spread over the country west of the Mississippi, because population in that case will sooner begin to press on the means of subsistence; and, in answer to the inhumanity which this consideration implies, the gentleman from Pennsylvania (Mr. SERGEANT) says, that as the check upon natural increase must inevitably take place, sooner or later, on both classes, it is better that it should operate first and strongest upon the blacks rather than the whites.

The argument would be sound, so far as policy is concerned, whatever may be thought of its consistency with some other principles maintained by the same side, if the restriction would have this partial operation. But, by reason of the emigration which is ever going on from those parts of the United States where population is most dense, to those where it is most rare, the natural multiplication is everywhere the same. Thus, in the States of Connecticut, of Maryland, or Virginia, though, by the census, their population seems to be nearly stationary, we have every reason to believe that the principle of increase operates in as full vigor as in the other States; and that the excess of their numbers is kept down by emigration, to which the state of our country and the habits of our citizens afford so many facilities. The check, then, of which the gentle-

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

man speaks, operates on both classes alike, and will operate upon neither until the whole of our territory is settled, and its most fertile lands are brought into cultivation.

The State of Virginia has already experienced, in a small degree, the effects of this partial emigration. It will be recollected that the member from Indiana (Mr. HENDRICKS) stated, that he represented as many who had migrated from the South as from the North; and the States of Ohio and Illinois have also received considerable accessions from the slaveholding States. Now, as these emigrants have not been permitted to carry slaves with them, their removal must have altered the ratio of the two classes in the States they have left; and hence it is, that, in Virginia, as one of the fruits of her cession of the territory northwest of the Ohio, the black population has been steadily gaining somewhat on the white. Hitherto, however, the migrations from the older slaveholding States have been principally to Kentucky, Tennessee, and the other Mississippi States, from one part of the slaveholding country to the other, where lands were at once cheaper and more fertile; but, as soon as these States are filled up, and population begins to press upon subsistence, the Missouri, and its thousand tributary streams, will draw off the surplus numbers of the slaveholding States, and this unequal drain will operate with undivided and still increasing force.

It has also been urged, against the probability of this growing disproportion between the blacks and the whites, that it must be the poor and laboring class, persons not owning slaves, who may chiefly be expected to emigrate from the slaveholding States; and that these States have not a sufficient number of that class to admit of emigration to the extent supposed. But, it must be remembered that the white population considerably exceeds the black, and that, as individual citizens often own many slaves, there must be a proportional number who own none. There must necessarily be, for every person who owns an hundred slaves, there are more than an hundred whites who are not slaveholders. There is, then, an ample number of the poorer class for the inducements to emigrate to act upon; and, if that were not the case, the same inducements would operate on the slaveholding class, and, by transferring the lands and slaves into fewer hands, assimilate every portion of the slaveholding district to the lower part of South Carolina and some other of the Atlantic States.

An honorable member from Massachusetts, (Mr. WHITMAN,) however, observed, that there could be no danger from the relative increase of slaves, for an hundred years to come, and that a century was as far as politicians could be expected to look or provide for. I will observe, by the way, that I was surprised to hear such an opinion from an American statesman. An hundred years, sir, is a long period for human life, but is a short one in the life of a nation. There are few of the sovereignties of Europe which cannot number many centuries of existence, and I should be sorry to think that our Government was not likely to en-

sure and prosper as long as any other. But, let us limit our views to the moderate term that has been mentioned. Supposing then the slaves in the United States to have augmented as fast, in the last ten years, as they did in the ten years preceding, they now amount to upwards of a million and a half. Suppose that they will continue to double every twenty-five years—their present rate of increase—then, in the lapse of a century, their numbers will amount to no less than twenty-four millions. Estimating the present slaveholding States to contain four hundred and twenty-four thousand square miles, according to Mellish's estimate, this number of slaves will give nearly sixty to a square mile; a density of population implying a general occupation of the land, but by no means a difficulty of procuring subsistence. In the same period the whole population of the United States, allowing it to double, in like manner, four times, will amount to one hundred and sixty millions, which, according to the same authority, will give, for the whole Union, nearly an average of sixty to the square mile. Now, as this population will be very unequally spread over the different parts of our territory, being more dense in the older settlements, and less so in the new, it is impossible to say, with accuracy, what will be the degree of density in the slaveholding States; but, whether it be greater or less, the ratio of blacks to whites would be most fearfully increased. If we assume it to be eighty persons to a square mile, (and I think we cannot reasonably believe it would be much greater, on the supposed average, throughout the Union,) the blacks would be to the whites nearly in the proportion of three to one.

With this great and still accelerating gain of the black population, who can answer for the consequences? The wildest political visionary does not think it practicable to amalgamate such discordant materials; we must be in that situation then in which we can neither safely set them free, nor hold them in subjection. If one of the two races must yield to the other, who can say which it will be, or how it will be effected? Sir, this is a subject of peculiar delicacy, and I will not press it further than to remark, that, if restriction could be enforced, the least pernicious result to which we could look forward, would be, that the whites, finding the African race constantly pressing on them, would finally abandon the country, and leave the blacks undisputed masters of the soil. But if, as would be too probable, the disease should have a violent termination, the struggle between the two races would end in a war of extermination.

It has also been said, that, be the political and moral evils, from the growing increase of blacks, what they may, the whites, in any disproportion which can be deemed probable, will always be sufficient to keep the blacks in subjection, and secure the tranquillity of the State. But, granting that the authority of the whites would always be sufficient for this purpose—though history warns us of the contrary—yet there is a cause beyond our control, which will, sooner or later, prevent our holding them in servitude.

As soon as our population has overspread the

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

whole habitable parts of our territory, and brought our waste lands into cultivation, human labor will begin to decline in value. This is very high with us at present; it is lower in Europe, and lower still in China; everywhere gradually decreasing as population advances. In the same proportion that the price of labor diminishes, must the value of slaves decline, until at length the cost of bringing up a slave will be more than he is worth. When that period arrives, the community will not, and cannot, impose on itself the burden of supporting slaves; and, be the consequences what they may, they will be manumitted, and then all the difficulties to the union of the two races must be encountered. This effect of the gradual decline of labor in producing emancipation was also urged by the Speaker, (Mr. CLAY,) but we draw different inferences as to its remote effects. I cannot agree with him in the probability that the African, as well as the Indian race, will, under any course of policy we may pursue, be finally extirpated. It seems to me that they will continue to increase until their labor ceases to be valuable, that is, until our waste lands are brought into cultivation, and, when that period arrives, we have seen that their numbers will probably amount to twenty-four millions, and greatly exceed that of the whites inhabiting the same district.

But, Mr. Chairman, many look to colonization as the means of avoiding these threatening evils. Sir, I do not wish to disparage the exertions of the society established for the purpose of colonizing the people of color—its members deserve the thanks and good wishes of every friend of his country. But I have long since abandoned the hope of deriving any remedy for the evil of domestic slavery from this quarter. I, too, was once an advocate for colonization, but I now consider every project for ridding the country of its black population, as utterly hopeless and impracticable. Estimating their present numbers at 1,600,000, their annual increase is about fifty-one thousand. The Colonization Society, as the result, I believe, of one year's efforts, are about to send to Africa, from New York, one hundred and seventy-four blacks, which is little more than the increase of a single day. Taking the average value of the slaves to be three hundred dollars each, it would require upwards of fifteen million of dollars to purchase fifty-one thousand, and probably five millions more to transport them to Africa. And this annual expenditure of twenty millions is not to reduce the number, but merely to keep it stationary.

Thus, sir, we see that the effects of this fatal policy are as inevitable, as uncontrollable, as the laws of nature. But if, on the other hand, the slaves be allowed to spread themselves equally with the white population west of the Mississippi, then they must always continue, as they now are, inferior in number to the whites; and, when the period arrives, as it certainly must, when the self-interest of individuals will burst the bonds of the slave, emancipation will then consist with the tranquillity and safety of the State; and, in the meantime, partial emancipation is making rapid advances. Let me call the attention of the Com-

mittee to its progress, according to the facts which are correctly taken from Doctor Seybert's valuable publication, and which are not garbled like those in some late pamphlets, to further a favorite purpose. In the State of Delaware, in 1800, the free blacks were, to the slaves, in the proportion of four to three. In 1810 they had increased to the proportion of more than three to one. In Maryland, in the same ten years, the proportion of free blacks to slaves, had increased from one-fifth to one-third. In Virginia, from one-seventeenth to one-thirteenth. In North Carolina, from one-nineteenth to one-sixteenth. In South Carolina, from one forty-sixth to one-forty-third.

In Georgia, however, the proportion has diminished from one thirty-first to one fifty-eighth; because, as you know, Mr. Chairman, the Legislature of that State thought it necessary to prohibit the further progress of emancipation, and to expel a number of its free blacks. It is worthy of remark, that this progress increases by regular gradations as you advance north. It is owing to voluntary emancipation no less, perhaps, than to the migrations from Europe, that the ratio of slaves to the whole population of the United States has been continually decreasing. In 1790 they were more than one-sixth of the aggregate of our population. In 1810 they were reduced almost to one-seventh. They now are, without doubt, less than a seventh; and, before the lapse of a century, if things are left to their natural operation, they will probably be reduced to a tenth, or less. But, if you enforce this restriction, other States will follow the example of Georgia, and, in their own defence, put an entire stop to the further increase of free blacks among them. Surely, then, gentlemen on the other side will not render impracticable that melioration which they so much profess to cherish.

But, if our brethren of the North and East are indifferent to our interests, I trust they will not be regardless of their own. Sir, I think that all the Atlantic States are concerned in opposing this restriction. If the confinement of the black population to the east of the Mississippi, while the whites are free to emigrate to the West, must necessarily alter the proportion of their numbers, as I think I have shown, then, in which ever way the slavery of the blacks may terminate, the strength and influence of the Atlantic States will be greatly impaired. As our population advances westwardly, the line of local division will probably be, not as at present, between the North and the South, but between the Western and Atlantic States. On all questions concerning foreign commerce or navigation, the interests of the latter will, in time, be the same; and these interests cannot be protected against the preponderating influence of the West, without a voice and numbers that will secure respect. Besides, without waiting for the dangerous epoch I have mentioned, if the arguments be just, that a State will possess more wealth, and strength, and weight in the Legislature, when inhabited by freemen than by slaves, it seems strange that gentlemen from the North should seek to increase that political influence

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

which, on the supposition of local parties, will be opposed to them, and to lessen that of their natural allies.

Before I conclude, I will take a cursory notice of some further considerations which were urged in favor of this restriction.

The member from New York, who moved the amendment, (Mr. TAYLOR,) said that the further diffusion of slaves would lessen the revenue of the nation, inasmuch as the consumption of slaves is less than that of freemen. No argument could have been more unfortunate than this. It is well known to us all, that the slaveholding States are generally opposed to an increase of the impost, and the other States generally friendly to it; and this because we are the greatest consumers of imported goods, and they are the most extensively engaged in domestic manufactures. Ask, sir, the great importers of New York to whom they make the chief sales of foreign merchandise, and they will tell you, to the merchants of the Carolinas, of Georgia, and Virginia.

Another objection has been drawn from the increase of representation which Missouri would derive from its slave population; and a member from Pennsylvania, (Mr. HEMPHILL,) in urging this argument, observed that a citizen in the slaveholding States, who owned an hundred slaves, had as many votes as sixty freemen in the other States. This remark did not partake of the candor which in general characterized that gentleman's speech.

Sir, in the slaveholding States, one slaveholder, having the right of suffrage, has no more votes than another, and if we estimate the additional influence which each owner derives from the representation of two-fifths of the slaves, it will be found to be less than a vote and a half, instead of sixty to one. For this small difference of political power, they pay a full consideration, not only by bearing a greater share of direct taxes, but by contributing more largely to the revenue arising from impost. But these objections are, moreover, founded on the fallacy that the number of slaves will be increased by their further introduction into Missouri. But it is conceded that their multiplication is as great at present as the laws of nature permit; and we have seen that they will continue to increase, at their present rate, whether they be confined to the slaveholding States or not; it follows, therefore, that the question is not whether we shall have the same number on the east or the west side of the Mississippi.

But it has also been said, that the slaves, in a slaveholding State, increase faster than the freemen. Sir, the census gives evidence of no such fact, notwithstanding what more than one publication has stated to the contrary. If we take the whole slaveholding district together, (and this is the only fair way of making the comparison,) it will be found that the increase of the whites, from the year 1800 to 1810, was as one hundred to twenty-six, while that of the slaves, in the same time, was as one hundred to one hundred and twenty-nine. This difference of increase amounts only to about forty thousand in favor of the blacks; which is certainly not more than can be accounted for by the impor-

tation from the year 1800 to 1808, when Congress put a stop to that abominable traffic; and to the emigration to the northwest of the Ohio, of which I have spoken. Leaving out the States of South Carolina and Georgia, the white population has gained a little upon the slaves. The truth is, that if there be some causes more favorable to the natural increase of the blacks, there are others more favorable to that of the whites. There is, therefore, very little difference between them; and the increase of both is nearly at its maximum.

There is, however, an objection of more plausibility, to which I will advert. It is said that, by extending the market for slaves to Missouri, we shall encourage the African slave trade. Sir, I cannot be brought to believe that our Government is not able to carry into execution the laws it has made against this disgraceful traffic. But supposing that a small number of slaves should be smuggled into the country in spite of our utmost vigilance; they will then remain in Louisiana and Georgia, where their labor is most valuable, and not be transported into Missouri. The slaves which would be carried to that State would be principally original members of the families of emigrants; and it is extremely improbable that any would be carried there from the Gulf of Mexico. The trade is known to be in a contrary direction; nor do I remember ever to have seen in Virginia a slave who was born in Africa; except in a single instance, in a town in which I live. If we regard the known current of trade, it is just as reasonable to suppose that our settlements on the Missouri will give new encouragement to the smuggling of tea, for example, in Passamaquoddy Bay, as of negroes in Louisiana.

But the zeal and ingenuity of gentlemen have found a further motive for this restriction, in the peculiar liability of slaveholding States to insurrections, and in the greater probability of their involving the General Government in war. But, Mr. Chairman, a similar objection may be made to the further extension of our foreign commerce. All the maritime wars in which this Government has been involved, have grown out of foreign commerce. Now, what would the members from the new State of Maine say, if they were told, that, as that commerce to which they were addicted, was dangerous to the peace of the United States, they must agree to abandon it before they could be admitted into the Union? If they could insist that they already possessed this commerce, that the other adjoining States were allowed to prosecute it unmolested, and that no discrimination could justly be made between them and the other members of the same Confederacy, the representative of Missouri might allege the same arguments in his favor; and no reply could be made to him, which would not, with equal propriety, be made to the members from Maine. Such a discrimination being equally odious, unreasonable, and oppressive to both, I trust it will be attempted on neither.

Having now, Mr. Chairman, examined this great question, with all the fairness of which I am capable, I entreat the Committee to give these suggestions their serious consideration. If my views of the consequences of this policy be correct, as I

religiously believe them to be, it must be seen that the slaveholding States are bound to resist the restriction at every hazard. I mean not this as a threat; but merely to remind them of the uncontrollable influence of the law of self-preservation; and to appeal to the interest which every member of this Committee must take in the safety of the Union, and the welfare of every part of it.

When Mr. T. had concluded—

Mr. SMITH, of Maryland, rose and observed, that a large number of his constituents had expressed their opinion in opposition to the opinion which he was known to entertain on this subject, and it might be presumed that he desired to deliver his reasons for the vote which he should give. But, Mr. S. said, the public business was suffering by the protraction of the debate; the members are weary of it; every one's opinion was made up on it; and he was unwilling to consume the time of the Committee by any remarks on the question. He therefore forebore, and he hoped the question would be taken.

Mr. WALKER, of North Carolina, rose then to address the Committee on the question; but the question was called for so clamorously and so perseveringly that Mr. W. could proceed no farther than to move that the Committee rise.

The Committee refused to rise, by almost a unanimous vote.

Mr. BEECHER, of Ohio, then stated that it was his wish to be heard on the question; and, if not allowed an opportunity of speaking in Committee, he should do so in the House, unless prevented by force; and he moved that the Committee should then rise.

This motion was lost by a very large majority.

Mr. SMITH, of North Carolina, said the course he was about to propose was unusual and perhaps without precedent—that was, to call the previous question in Committee of the Whole; but, as he conceived the motion would be sustained by the rules and orders of the House, and to put an end to any further debate on the amendment, he moved for the previous question thereon.

The Chair conceived that the motion was not in order.

Mr. RANDOLPH asked leave of the mover of this course, to suggest to him a less invidious mode of getting at his object. If the Committee should consent to rise, and the House would refuse it leave to sit again, the question would then be in the House; and that was the only way, Mr. R. said, that the Committee, worn down by what was called a discussion, could be relieved from it. He hoped, wherever possible, that the previous question should be dispensed with; but if some mode were not devised of getting clear of this debate, he believed he should become reconciled to it—though a man convinced against his will was of the same opinion still.

Mr. CLAY (Speaker) observed, that the *previous question* would not effect the object of the gentleman who moved it; because its effect would be to put aside the question on the amendment altogether; and though that might be a very happy effect, yet it was not, he presumed, desired by the

Committee, and he thought it fair to warn gentlemen of an effect that he supposed was not anticipated.

Mr. SMITH, of North Carolina, though he had felt himself at entire liberty to make a motion, intended to stop the debate, inasmuch as he had not troubled the Committee with a speech on the subject; yet, as the effect would be what had been stated by the Speaker, he would withdraw his motion.

The question was then taken on Mr. TAYLOR's proposed restriction, and agreed to, by from 12 to 18 votes.

Mr. TAYLOR then moved that the Committee rise, as he presumed it was not prepared to go into the various details of the bill this evening, several of which were important, and would give rise to many questions.

This motion was opposed by Mr. SCOTT and Mr. STROTHER, and supported by Mr. SERGEANT. It, however, finally prevailed, and

The Committee obtained leave, ayes 90, to sit again; and, about five o'clock, the House adjourned.

SATURDAY, March 26.

Mr. ARCHER, from the Committee on Naval Expenditures, submitted to the House certain documents in relation to the expenditures of public moneys in the Naval Department, and to a retrenchment of expenditures in said department; which were ordered to lie on the table.

Mr. SMYTH, from the Committee on Military Affairs, who were instructed to inquire into the expediency of establishing an additional National Armory, made a report unfavorable to the establishment of an additional armory; which was read, and ordered to lie on the table.

Mr. ROBERT MOORE, from the committee appointed on the petition of John Wells, made a report thereon; and, by leave of the House, reported a bill for the relief of the said John Wells; which bill was read twice, and committed.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of Bowie, Kurtz, and others," in which they ask the concurrence of this House. The bill was read twice, and referred to the Committee of Claims.

The bill from the Senate, for the relief of the legal representatives of John O'Connor, deceased, was read the third time; when, some debate ensuing on its merits, the bill was, on motion of Mr. STORRS, committed to a Committee of the Whole.

THE MISSOURI BILL.

The order of the day being announced from the Chair, being the unfinished business of yesterday—

Mr. HILL renewed the motion which he made yesterday, that the Committee of the Whole be discharged from the further consideration of the Missouri bill; but the motion was not sustained by a majority of the House.

The House then resolved itself into a Committee of the Whole, on the said bill.

Mr. STORRS, of New York, moved to amend the

FEBRUARY, 1820.

Seminole War—Unauthorized Levies.

H. OF R.

bill by inserting, in the 4th section, (immediately preceding the restrictive amendment adopted yesterday,) the following proviso:

"That, in all that tract of country ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, excepting only such part thereof as is included within the limits of the State contemplated by this act, there shall be neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided, always*, That any person escaping into the same, from whom labor or service is lawfully claimed in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid."

Mr. STORRS supported his amendment in a speech of considerable length; embracing, incidentally, in the range of his remarks, an examination of the right of imposing the slavery restriction on Missouri.

Mr. RANDOLPH next rose, and spoke more than four hours against the amendment, and on the topics connected with it, the subject of restriction, &c. When he had concluded, (about half-past four o'clock,) an ineffectual motion was made for the Committee to rise.

Mr. BEECHER, of Ohio, then took the floor, and proceeded a short time in a speech on the subject, when he gave way for a motion for the Committee to rise, which prevailed, and about five o'clock the House adjourned.

MONDAY, February 28.

Mr. MEIGS presented a petition of Everiste Mauri, a native of Venice, in Italy, and a naturalized citizen of the United States, stating that it is his intention to attempt the establishment of a colony of Venetians in the United States, for the purpose of cultivating the vine, and raising the silk worm, and praying a grant of one hundred and sixty acres of land to each male emigrant of the age of twenty-one years and upwards, at the minimum price, with an extended credit, and under such other terms and conditions as Congress may think proper to prescribe.—Referred to the Committee on the Public Lands.

Mr. SERGEANT presented a schedule of fees of office, proper to be allowed and taxed in the courts of the United States in the district of Pennsylvania, approved and signed by Richard Peters, judge of the district court of that district; which was referred to the Committee on the Judiciary.

Mr. RANDOLPH, from the committee appointed for the purpose, reported a bill for the relief of the family of the late Oliver Hazard Perry, and for the education of his children at the public charge; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. SMYTH, from the Committee on Military Affairs, reported a bill respecting the military establishment of the United States; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. SMYTH reported a bill authorizing grants of bounty land, in certain cases; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. HARDIN submitted the following resolution:

Resolved, That a committee be appointed to inquire into the expediency of authorizing the Secretary of the Treasury to subscribe, as stock, in the company incorporated by the Legislature of Kentucky, to cut a canal round the falls in the Ohio river, any number of shares not exceeding five hundred.

Mr. H. entered into some explanations in support of his motion, and to secure to it the favor of the House.

Mr. HENDRICKS, of Ohio, proposed an amendment to the resolution, having for its object to include a similar inquiry as to subscribing a like number of shares to the stock of the Jefferson Ohio Canal Company, and spoke a short time in favor of his motion; when, on motion of Mr. SMITH, of Maryland, the resolution was for the present laid on the table.

On motion of Mr. CRAWFORD, the Committee of Claims were instructed to inquire into the expediency of providing by law for the compensation of losses occasioned by the impressment and application of private property to the military service of the United States, during the late Seminole war.

SEMINOLE WAR, &c.

Mr. STORRS, from the committee appointed on the 17th of December last, to inquire and report whether any of the public moneys appropriated by Congress for the pay and subsistence of the regular Army of the United States, since the 4th of March, 1815, have been applied to the support of any army, or detachment of troops, raised without the consent of this House, or the authority of Congress, made a report thereon; which was read, and committed to the Committee of the Whole House on the state of the Union.

The report is as follows:

The committee appointed, on the 10th day of December last, to inquire and report to the House of Representatives whether any of the public moneys appropriated by Congress, for the pay and subsistence of the regular Army of the United States, since the 4th day of March, 1815, have been applied to the support of any army, or detachment of troops, raised without the consent of the House, or the authority of Congress, respectfully report: That, on the 11th day of January, 1818, Colonel David Brearly, of the 7th regiment of the United States infantry, who was about to proceed from Hartford, in the State of Georgia, to the Creek Agency, on public service, was, by an order from Major General Edmund P. Gaines, authorized to receive into the service of the United States not exceeding five hundred Indians of the Creek nation; and should they volunteer their services, to muster, inspect, and provision them, and direct their march to Fort Scott. In obedience to this order, Colonel Brearly, shortly after his arrival at the Agency, proceeded to fulfil the intentions of the commanding General. The necessary measures were taken for assembling the warriors of that tribe; and it being ascertained that nearly the whole effective force of the nation would consent to

H. OF R.

Seminole War—Unauthorized Levies.

FEBRUARY, 1820.

serve, arrangements were made for mustering them into service, and organizing them. These arrangements were, that the whole force was to be denominated a regiment, to consist of eighteen companies, to be officered according to the regulations of the Army of the United States; that William McIntosh, the principal war chief of the nation, should rank as full colonel, and the two chiefs, George Lovett and Noble Kennard, as majors. This arrangement was communicated to General Gaines, then at Hartford, who approved of the proceeding of Colonel Brearly, informing him, by a letter of the 29th day of January, 1818, that he would cheerfully accept the services of all the Indians who might be disposed to join him; which disposition Col. Brearly was directed to encourage as far as practicable. Pursuant to these instructions, one thousand five hundred and thirty-seven warriors were mustered into the service of the United States, on or about the 24th day of February, 1818, and served until the early part of the month of May thereafter. Including Onir Haujo, a chief of the Creek nation, and seventy-five warriors, who had been mustered into service on the 8th day of December, 1817, the whole number of Indian forces employed during this period amounted to one thousand six hundred and thirteen men. William McIntosh held the rank of brigadier general, and received, in that capacity, one hundred and four dollars per month pay, seventy-two dollars per month for subsistence, forty dollars per month for forage, and forty-two dollars and twenty-seven cents per month, allowance for servants; having received, for two months and fifteen days service, from the 24th day of February to the ninth day of May, 1818, the sum of six hundred and forty-five dollars and seventy-two cents. George Lovett, Noble Kennard, Samuel Hawkins, and — Blue, were assigned to the rank of majors, in which capacity they served from the 24th day of February until the 11th day of April, when the American army, under the command of Major General Andrew Jackson, then having arrived near to Suwaney river, after the capture of Fort St. Marks, in the Spanish province of East Florida, Lovett and Kennard were promoted to the rank of full colonels, and Hawkins and Blue to the rank of lieutenant colonels, in which capacities they respectively served until they were discharged from service. These persons received for their services during these periods, the full allowance made for pay, subsistence, forage, and servants, to officers of the like rank in the regular army. The vacancies occasioned in the regimental field and staff by these promotions, were, on the 12th day of April, 1818, partially filled, by the promotion to the rank of majors of two chiefs, John Bernard and — Matthey, who had served as captains from the 24th day of February until that time. The general field and staff further consisted of one assistant adjutant general, who received per month sixty dollars pay, twenty-four dollars for subsistence, twenty-four dollars for forage, and twenty-eight dollars and eighteen cents allowance for servants. Four assistant commissaries of purchases were also appointed, who, respectively, received salaries at the rate of thirteen hundred dollars per annum. In addition to these, 28 captains, 28 first lieutenants, and 28 second lieutenants, were appointed; the whole force having been divided into 28 companies. These officers were, at the first organization of the corps, appointed by the Creek nation of Indians, under the sanction of the commanding General. By what authority the original arrangement for the organization was changed, the rank of several

of the chiefs raised, and an additional number of field and staff officers appointed, the committee have not been able, conclusively, to ascertain; but, as these various transactions appear on the regular pay-rolls of the corps, which have been passed to the credit of the officer who made the disbursement, and have been recognised at the War Department, it is presumed that they must have occurred with the sanction of some public agent. The promotions, which took place near Suwaney river on the 12th day of April, 1818, were made by order of Major General Jackson.

The sums paid to these Indian forces for their services amount to thirty thousand one hundred and twenty-seven dollars and forty-nine cents, including the sum of three thousand five hundred and forty-eight dollars and forty-eight cents, paid to the General, Field, and Staff. To ascertain out of what fund these disbursements were made, a letter was addressed to the Second Auditor of the Treasury, in whose office these accounts were audited, which, with his answer thereto, dated on the 14th ultimo, is submitted with this report. By this communication, it appears that it became questionable out of what fund these forces were to be paid; but, after examination, it was concluded by the Secretary of the War Department, for the reasons stated in the said letter, to carry the expenditure to the charge of the appropriation made by Congress for the pay of the Army of the United States for that year.

For the purpose of determining with certainty by what authority these forces were raised, the Secretary of the War Department was requested to furnish to the committee "copies of any orders (if any such existed) which might have issued from the War Department" to the commanding officers of the southern division of the army, "by virtue of which" these Indian forces were "raised, officered, and taken into service." The answer of the Secretary of that department, dated on the 22d ultimo, referring the committee to the documents therein stated, contains all the information relating to the subject of inquiry existing in the War Department. After careful and deliberate examination of these documents, the committee cannot discover that any orders whatever are therein contained, which, by the most forced and artificial construction, could be deemed even to imply an authority from the War Department to muster into service, organize, or employ, the Indian forces under the command of William McIntosh and the chiefs of the Creek nation. The papers referred to contain no orders whatever addressed to General Gaines, and only one bears date previous to the issuing of the orders by that officer to Colonel Brearly for employing the Indian warriors. This order is addressed to Major General Jackson; and, so far as this communication and the answer of Gen. Jackson thereto, of the 29th January, 1818, furnish any aid to this branch of the inquiry, it is strongly to be inferred that the employment of these forces was neither in accordance with the views of the War Department, nor justified by any existing necessity. In the communication of the Secretary of War to General Jackson, of the 26th day of December, 1817, directing him to assume the command of the forces employed in the vicinity of Fort Scott, against the Seminole Indians, he was informed that "the regular force now there was about eight hundred strong;" and "one thousand militia of the State of Georgia were called into service;" "that General Gaines estimated the strength of the Indians at twenty-seven

FEBRUARY, 1820.

Seminole War—Unauthorized Levies.

H. OF R.

hundred." The answer of General Jackson to the War Department, of the 26th January, 1818, informed that Department, that "the troops assembled on the southern boundary, reinforced with the Tennessee volunteers called into service," would enable him "to inflict speedy and merited chastisement on the deluded Seminoles." These Indian forces were not mustered into service until the 24th day of February thereafter. In the judgment, therefore, of the commanding officer of the southern division of the Army of the United States, the addition of this extraordinary force of sixteen hundred and thirteen Indian warriors was not deemed necessary to the execution of the orders which had been issued for "a speedy and successful termination of the Indian war." In confirmation of the opinion that the employment of these forces was viewed in that light by the commanding General, the committee submit with this report the proceedings of a court martial convened by his order for the trial of Colonel David Brearly, who was arrested on the application of General Gaines on charges of alleged neglect of duty in not forwarding certain supplies from the Creek Agency, destined for the use of the troops of the United States and Georgia militia stationed near the Chehaw village and at Fort Scott. To these charges exhibited by General Gaines was added, by order of Major General Jackson, a charge of "unmilitary conduct," under which was specified an alleged offence, "that the said Colonel David Brearly did, in the month of February or March, 1818, muster into the service of the United States a large body of Indian warriors, at or near Fort Mitchell, thereby consuming a large quantity of the supplies laid in and destined for the relief of Fort Scott, and to furnish the Tennessee volunteers;" which act is therein alleged to have "tended manifestly to the injury of the service."

After an investigation of several days, Col. Brearly was honorably acquitted of all the charges preferred against him. The commanding General, by an order of the 5th day of August, 1818, approving the sentence of the court on this specification, observed that "they had, from the documents produced, properly found him not guilty, as it appeared from General Gaines's letter, bearing date the 29th of January, that he was ordered to accept all the Indians that might be disposed to join him." Notwithstanding the commission of this act, so "manifestly" injurious to the service, was thus directly traced to the superior officer of Colonel Brearly, no proceedings have been since instituted to fix the responsibility of the alleged offence on the officer from whom the order emanated.

The committee further report, that it appears from the documents to which they have been referred by the letter of the Secretary of War, of the 22d ultimo, that Major General Andrew Jackson having been directed by that Department, on the 26th of December, 1817, to assume the command of the forces in the vicinity of Fort Scott, was ordered to call on the Executives of the adjoining States for such additional militia force of the said States as he should deem it requisite to raise for the execution of his orders, to terminate the conflict then commenced with the Seminole tribe of Indians. Instead of obeying this order, he proceeded to levy an army from the people of the States of Tennessee and Kentucky, by circular letters, privately addressed to individual citizens of his own selection. In this circular address dated on the 11th day of January, 1818, the aid of one regiment only, to be composed of one thousand men, was re-

quested. At a meeting, however, of the citizens who were to command, as officers, this corps of levies, on the 19th day of January, thereafter, General Jackson accepted the services of two regiments, to be raised by voluntary enlistments, which were accordingly assembled together, consisting of one thousand two hundred and eighty-six citizens of those States, who were organized as auxiliaries, into an army of mounted gunmen. The organization of the officers commanding these regiments was made under the authority and sanction of the commanding General, and consisted of one assistant adjutant general, one assistant inspector general, one assistant deputy quartermaster general, one judge advocate, one chaplain, two colonels, four lieutenant colonels, four majors, four adjutants, one forage master, one assistant forage master, two surgeons, four surgeons' mates, two quartermasters, and eight non-commissioned staff. To this organization of the general regimental field and staff, were added twenty captains, twenty first lieutenants, twenty second lieutenants, eleven third lieutenants, and seventeen cornets. The additional lieutenant colonel and major to each regiment was made in consequence of an agreement for that purpose originally made by General Jackson. The ruinous tendency of these unauthorized proceedings is forcibly illustrated by the fact, that, on the assembling of these forces for the purpose of being mustered into service, at Fayetteville, they brought with them into camp no less than forty captains. The reason given by the Inspector General of the southern division of the Army, who mustered them into service, by order of General Jackson, for appointing an extraordinary number and grade of company officers, appears in a letter addressed to the Secretary of War, by that officer, of the 9th February, 1818. In this letter Colonel Hayne observes, that to "merge the lesser fractions into the larger, and thus amalgamate them into single companies, to cut down captains, to leave out subalterns, and yet to satisfy and secure to us all the men, has been a very difficult task indeed. To effect this object, I have been obliged, in a number of cases, to give an additional lieutenant and cornet to the companies." On the assembling of these troops, General Jackson proceeded to direct the disposition for their use of the funds placed in the hands of the regularly appointed officers of the Army of the United States, imposed on Major Fanning, of the corps of artillery, the temporary duties of deputy quartermaster general, and vested him with authority to draw on the Quartermaster General for any additional sums wanted for supplies. To facilitate their march, he also authorized the Inspector General of the southern division of the Army to draw, either on the Secretary of War or the Quartermaster General at Fort Scott, for such funds as might be found necessary. These troops, thus mustered into service, and organized, served from the 31st day of January, 1818, until the 25th day of June thereafter, and have received from the public funds the pay and allowances made to the regular armies of the nation.

The committee further report that two companies of rangers, under the command of Captains Boyle and Gist, consisting of about one hundred and forty-five men, were called into service by order of Major General Jackson, during the Seminole war. It does not appear that these forces were mustered into service pursuant to any requirement on any civil or executive officer of any State or Territory. By the letter of William W. Bibb, Governor of the Alabama Territory,

H. OF R.

Seminole War—Unauthorized Levies.

FEBRUARY, 1820.

dated on the 15th day of April, 1818, it appears that at the date he was "ignorant of the views of the Government with respect to Florida," that he "knew not the orders which had been issued to General Jackson," and that he was "not acquainted, in any degree, with the arrangements on the part of the United States for prosecuting the war against the Seminole Indians. The answer of the Secretary of War to Governor Bibb, communicating the information of those arrangements in reply to his inquiries, was transmitted from the War Department on the 13th day of May, 1818. No muster or pay-rolls of these forces have yet been received at the War Department, and no documents can be furnished in the public offices, by which the number of these forces, the period of their enlistment or discharge, the mode in which the officers were appointed, or by whom, can be satisfactorily determined. The communication addressed to the committee by the Secretary of War, on the 19th instant, contains all the information existing in the War Department relative to these companies of rangers. The object for which these forces were raised, appears in the letter of General Jackson to the War Department, dated on the 2d day of June, 1818, and the instructions issued to them were to scour the country between the Mobile and Apalachicola rivers, exterminating every hostile party who should dare to resist, and would not surrender and remove with their families above the thirty-first degree of latitude. Excepting this letter, the only information relative to these forces, which exists in the War Department, is found in the papers referred to in the letter of the Secretary of War of the 19th instant. From them it appears, that Captain John B. Hogan, paymaster of the 4th regiment of infantry, was directed by Colonel King, on the 18th day of September, 1818, to prepare an estimate of the amount of funds necessary to pay them off. This estimate is submitted with this report, and it appears thereby, that the sum required for this purpose amounts to nineteen thousand eight hundred and sixty-seven dollars and ninety-two cents, including eight thousand five hundred and sixty-three dollars, for pay, seven hundred and twenty dollars for subsistence, and ten thousand five hundred and eighty-four dollars allowance for the use and risk of horses.

These various forces, forming no part of the Military Establishment of the United States authorized by Congress, and not having been called into service by virtue of any law providing for calling forth the militia of the several States, the committee, in obedience to the resolution of the House, which has imposed on them the duty of reporting whether any of the appropriations for pay and subsistence of the regular Army of the United States have been applied to the support of any army or detachment of troops raised without the consent of this House, or the authority of Congress, deeming that on the preservation of the Constitutional powers of Congress the chief security of the people of these United States against all encroachments on their liberties must for ever depend, and that on the firmness, independence, and fidelity of their immediate Representatives, they justly rely for the protection of the solemn trust confided to their charge, do unreservedly express to the House their opinion, that the levying of these forces, their organization and employment in the public service, was in violation of the Constitution of the United States, and a dangerous infringement on the powers of Congress.

To attempt seriously to establish, by argument, that

Congress alone possesses the power to raise armies, instead of partaking of the nature of an inquiry how extensive the breach sustained by the Constitution has been, would rather imply that it might be doubted whether we have any Constitution at all. In no instance of the delegation of sovereignty to the Federal Government have the people manifested greater caution and wisdom, than in confiding to their immediate Representatives the exercise of this power, which, above all others, is susceptible of the most alarming abuses in every government. The experience of all nations had uniformly taught them that their only security from violence and rapacity was to be found in the careful restraint of its exercise. In the elective franchise an adequate remedy was provided for the redress of most of those abuses which originate from the temptations of avarice and the love of power; but they well knew, that whenever their liberties should be directly assailed, the physical force of the Government alone could be resorted to, for the successful accomplishment of the designs of ambition. The unlimited power of supporting any military establishment whatever is denied, even to Congress; and the term of appropriations for this object has been wisely restricted to the Constitutional period of service of the members of this House. So highly fraught with danger has the raising of troops, and their maintenance, been considered, that, except in time of war, actual invasion, or imminent danger, these powers have been withheld from the State Legislatures; sovereignties—whose jurisdictions are more comprehensive and indefinite than any known to our institutions. To levy armies, without the authority of Congress, is, therefore, to substitute the arbitrary pleasure or caprice of individuals, in the place of the national will, and to violate all those securities which the people have provided for their safety.

The nature or character of this assumption of power derives no exemption from the application of these principles, by reason of the particular description of the forces originally called into service by General Gaines, and subsequently commanded by General Jackson. As lawfully might a commanding officer in the army, of his own authority, receive into the service of the United States, as auxiliaries, the forces stationed in the neighboring provinces of Great Britain, as to embody and organize into regular armies, and associate with his command, the Indian tribes residing within our jurisdictional limits. In relation to forces of this latter description, the Constitution has heretofore received a practical exposition from Congress; which, whether we consider the period of its enactment, or the character of the distinguished patriot and statesman, from the history of whose administration this illustration is derived, is entitled to the greatest consideration and respect. So clearly does it seem to have been at that time considered that the power of employing Indian forces in the public service, even for the protection of the frontier, had not been vested even in the Executive Department, that, in the act entitled "An act making further and more effectual provision for the protection of the frontiers of the United States," approved on the 5th day of March, 1792, it was found necessary to derive that power from the authority of Congress; and the President of the United States was, by the 15th section of the said act, authorized by Congress to employ, in the public service of the nation, that description of forces, in case he should deem the

FEBRUARY, 1820.

Seminole War—Unauthorized Levies.

H. OF R.

measure to be expedient. This act was repealed by Congress, and the authority, thus conferred, ceased on the 3d day of March, 1795.

The appointments of the officers of this corps of Indians, and the promotion which took place by order of General Jackson, were also, in the opinion of the committee, an infringement on the powers confided to the Executive of the United States and to the Senate. It is scarcely more than to repeat a mere political truism, to say that the exercise of all power whatever, not derived from the will of the people, is not only in itself unlawful, but contrary to the fundamental principles of every free government, and the orderly administration of its public concerns. The declared will of the nation has intrusted to the President and Senate alone the power of appointment to all offices, not otherwise provided for by the Constitution. The prudence and wisdom of these eminent and distinguished functionaries of the Government, were the guaranties on which the people relied for the careful selection of those subordinate agents to whom the sword of the nation was to be intrusted. The assumption, therefore, by others, of the responsibility of exercising this power, is self-created—unrecognised by our institutions, and tends to the most pernicious and alarming disorders in the administration of the Government. In the case of military appointments, the most powerful as well as the most obvious considerations especially demand that this power should not be wrested from the hands of those on whom alone the Constitution has imposed this high responsibility.

The Congress of the United States alone is vested with the general authority to organize the militia, and to provide for calling them forth for the purposes expressed in the Constitution. These powers have been executed. Not only the organization, but the rank and description of the officers of the militia has been prescribed by the act of Congress of the 8th day of May, 1792, and the act of the 2d day of March, 1803. Neither of these acts contain any authority for the appointment of those descriptions of officers selected for the command of the corps of volunteers, who were respectively invested with the rank of Assistant Adjutant General, Assistant Inspector General, and Assistant Deputy Quartermaster General. These offices have been created only in the regular Army of the United States.

The extraordinary assignation of an additional lieutenant colonel and major to each regiment, and a third lieutenant and cornet to each company, is also unknown to the laws providing for the organization of the militia. With whatever force the propriety or necessity of varying these laws may be urged, until the Congress of the United States, who are the Constitutional judges of the utility of such a measure, and who have the exclusive right to provide for calling forth the militia, and the sole power to establish regulations for their government, shall, by the authority with which they have been thus invested, revise the present system, there is no power known to our institutions which can lawfully execute any schemes of reformation or improvement in the established organization of the military force of the nation.

By the further provisions of the Constitution, the appointment of the officers of the militia is expressly reserved to the States. The object of this reservation of power was to provide for the security of the people against the success of any design which might be formed to alienate the militia from the allegiance which they owed to their respective States. So "necessary

to the existence of our Union, and a free government, has the preservation of the rights of individual States, in their full extent, according to a just construction of the principles of our Constitution," been considered by Congress, that the utmost extent of power to call forth the militia, conferred by the act of the 28th of February, 1795, even on the Executive, has only authorized the issuing of orders for that purpose to the "officers of the militia." Neither the Executive, by virtue of any authority which has been conferred by this act, or much less an officer of the regular Army, of his own authority, can, without the assumption of powers repugnant to the principles of the Constitution, and of the most dangerous tendency, proceed to levy armies by enlistment from the citizens of the respective States. When it is further considered that the authority of the States over their militia "ceases when they are called into the service of the General Government;" that they "constitute a part of the national force for the time, as essentially as the troops of the regular Army;" that, "like the regular troops, they are paid by the nation; like them, their operations are directed by the same government;" and that their superior commander may be designated by the Executive of the United States, it is evident that the chief reliance of the States for the preservation of this great bulwark of their liberties, must essentially consist in scrupulously retaining the selection of those officers to whose authority their citizens are to be immediately subjected. From whatever source, therefore, the officers selected for the command of these volunteer forces might have received their rank, the power to appoint them was self-assumed, inasmuch as the appointments were not made, and they held no commissions by virtue of any authority for that purpose, derived from any of the States.

The committee submit to the House with this report, a vindication of the proceedings of General Gaines, addressed by that officer to the Department of War, dated at Augusta, in the State of Georgia, on the 17th day of October, 1819. This document chiefly relates to the result of the measures adopted by the Senate of the United States at the last session of Congress; and, although the committee do not consider that subject to be directly connected with their duties, as prescribed by the resolution of the House, yet they are impelled by a sense of that justice which is due to an officer whose proceedings are the subject of inquiry, to furnish all the information within their power, however remotely affecting the investigation confided to their charge.

It does not appear to the committee at what time General Gaines made known to the War Department his proceedings in relation to the assembling and organization of the Creek warriors, under the command of William McIntosh. In a letter addressed to that Department, on the 15th day of December, 1817, he observes, that the steps which he had taken were "known to the Department of War;" but the date of this letter was several days antecedent to the first order issued to Colonel Brearly for the mustering of these forces.

That a crisis of such great public peril and imminent danger to the nation, might exist, as to palliate, if not in a great measure justify, a commanding General in departing from the strict rules of subordination and obedience, the committee most readily admit; but they believe that a careful examination of the circumstances under which these Indian forces were assem-

bled, must lead to the conviction that any necessity which might have been supposed to exist for resorting to this extraordinary proceeding, is rather to be imputed to the premature commencement of hostilities by the commanding General, than to any unforeseen or inevitable events not within his own control, and which a cautious and prudent foresight of the probable result of his own measures would not have enabled him to avoid.

The waste of the public resources which has resulted from these various assumptions of the power of raising armies, is not among the least of the pernicious disorders which have originated from these unauthorized measures. The committee submit to the House with this report an abstract of the muster rolls of the militia, volunteers, and Indian warriors, employed in the public service during the late operations of the army against the Indians, on the southern frontier of the United States. It appears from this document, furnished from the office of the Paymaster General, that the whole number of such forces (including the rangers under the command of Captains Boyle and Gist,) employed during the war with the Seminole Indians, exclusive of the troops of the regular army, amounting to six thousand and fifty-eight men, of which number four hundred and twenty served in the general and regimental field and staff, and as company officers. The whole number of forces, of all descriptions, actually in service on the 1st day of April, 1818, amounted to upwards of five thousand six hundred men. From the state of the accounts it is impossible at this time satisfactorily to ascertain the whole amount of public expenditure on the object for which these forces were raised. The disposition, however, of the appropriations made by Congress for the support of a brigade of militia, amounting to four hundred and forty-six thousand seven hundred and forty-three dollars, appears by the annexed statements, furnished from the office of the Second Auditor of the Treasury Department. The pay-rolls of only four companies of the Tennessee volunteers have yet been received. From an examination of these it appears that the paymaster of those forces, Captain John B. Hogan, has paid to the men, respectively, the sum of fifteen dollars and fifty cents each, as an allowance for clothing. Should the same disbursement for this allowance have been made to the whole number of the non-commissioned officers and privates of this corps, the total amount of this item will exceed the sum of eighteen thousand dollars. The amount of these pay-rolls (twenty-seven thousand eight hundred fifty-five dollars and forty-five cents) having been carried to the charge of the appropriations for a brigade of militia, in the annexed abstract from the office of the Second Auditor of the Treasury, and appearing thereby, also, to have been deducted from the balance remaining due from the paymaster, on account of this fund, a letter was addressed to the Second Auditor, requesting that officer to inform the committee by virtue of what law of the United States or regulation relating to this subject, the paymaster was entitled to credit at the Treasury for a disbursement of this nature. From the answer of the Second Auditor, herewith submitted, dated on the 15th instant, and from an inspection of the books of that office, it appears that the accounts of the paymaster, which include this item, have not been acted on at the Treasury, nor has any part of them been passed to his credit. This disbursement being directly contrary to the act of the 28th day of

February, 1795, and totally unauthorized, the officer cannot receive credit therefor under any circumstances whatever.

It appears further to the committee, that the accounts for the moneys paid to the Creek warriors, composing the general field and staff of that corps, for forage and servants, have been passed to the credit of the disbursing officer, in the office of the Second Auditor of the Treasury, without any evidence whatever that the number of horses and servants allowed for, were actually kept or employed by those persons. The explanation which the Second Auditor relies upon as a justification of this departure from the established regulations of the Treasury Department, is contained in the communication of the 5th instant, addressed by that officer to the committee. In their opinion this deviation from those regulations which have been adopted, as salutary and indispensable restraints on improper expenditures of the public moneys by the disbursing officers of the Government, or any other persons acting in such capacity, and which in all cases should be impartially applied, was irregular and unauthorized.

The House having authorized the committee to report by bill, they have devoted their attention to the devising of some legislative remedies against the recurrence of these disorders. To prescribe the principles of the Constitution by legislative enactments, might tend to impair its high and uncontrollable sanctions, and the faithful discharge of the duties of the several committees of the House furnish an adequate remedy against all abuses in the public expenditure. The committee, therefore, submit the facts contained in this report, and the documents which establish them, referring them to the discretion of the House.

Mr. REID, of Georgia, moved that five thousand copies thereof be printed for the use of the House; in support of which he remarked that this was a Government depending in a peculiar manner on the strength of public opinion; that the House would recollect that the debate on the Seminole war had gone before the public, that a report of a committee of the Senate at the last session had also gone forth, and that a vindication of the President of the United States and his Commanding Generals, prepared by an unknown hand, had been put into circulation, and found its way even to their tables, and that, without any prejudices of any description to gratify, he wished all the facts and evidence (now laid before the House by this report) to be as extensively spread before the people as the documents, &c., to which he had alluded.

The motion was opposed by Mr. STROTHER at some length; who argued that it would be an unnecessary expense, as the report would probably receive a general circulation through the public papers; and that the usual number (sixty copies) would be sufficient for the use of the members, &c.

The motion to print five thousand copies was lost, as was a motion to print three thousand, and a motion to print one thousand; after which, the usual number was ordered.

MAINE AND MISSOURI.

A message was received from the Senate, by their Secretary, announcing that the Senate insist on their amendments to the bill for the admission

FEBRUARY, 1820.

Admission of Maine and Missouri.

H. OF R.

of Maine into the Union, which had been disagreed to by this House.

Mr. TAYLOR moved that the House *insist on its disagreement* to the said amendments.

Mr. COBB inquired of the Chair whether the question could be divided so as to be taken separately on each principle embraced in the amendments.

Mr. LOWNDES remarked, in substance, that it appeared to him there would be much difficulty in coming to any conclusion on these amendments in which the two Houses would concur; that he thought therefore that it would be better to lay them aside until this House had matured and finally acted on the bill now before it, for the admission of Missouri, and ascertained how it was received by the Senate, &c.; with this view he moved that the amendments be laid on the table.

On this question the House divided, and the motion was negatived—yeas 74, nays, 85.

Mr. CULPEPER, then, after some remarks to show the propriety and necessity of mutual forbearance on a question so important and delicate; and from the hope, that, by acting conclusively on the bill now before the House and sending it to the Senate, all difficulty would be gotten over, &c.—moved that the amendments be postponed until to-morrow.

This motion was opposed by Mr. HOLMES, and Mr. WHITMAN, who were averse to delaying a final decision on these amendments with which the admission of Maine was connected, and which they wished to separate from it as promptly as possible.

The motion to postpone the amendments was negatived without a count.

The main question then recurring, it was so divided, on motion of Mr. BUTLER, of Louisiana, as to be first taken on insisting on the disagreement of this House to the first eight sections, (connecting with the Maine bill provisions for the admission of Missouri,) and was decided, by yeas and nays, as follows:

YEAS—Messrs. Adams, Allen of New York, Bateman, Beecher, Boden, Brush, Buffum, Butler of New Hampshire, Campbell, Case, Clagett, Cook, Crafts, Cushman, Darlington, Dennison, Dewitt, Dickinson, Dowse, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Edwards of North Carolina, Ervin, Fay, Fisher, Floyd, Folger, Foot, Ford, Forrest, Fuller, Garnett, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Heister, Hill, Holmes, Hostetter, Kendall, Kinsey, Lathrop, Lincoln, Linn, Livermore, Lyman, Maclay, Mallary, Marchand, Mason, Meech, Meigs, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Nelson of Massachusetts, Nelson of Virginia, Parker of Massachusetts, Patterson, Phelps, Philson, Pitcher, Plumer, Rich, Richards, Richmond, Rogers, Ross, Russ, Sampson, Sergeant, Silsbee, Sloan, Smith of New Jersey, Southard, Stevens, Storrs, Street, Strong of Vermont, Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Upham, Van Rensselaer, Wallace, Wendover, Whitman, and Wood—97.

NAYS—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baldwin, Ball, Barbour, Bloomfield, Brevard, Brown, Bryan, Burton, Burwell, Butler of Louisiana, Cannon,

Cobb, Cocke, Crawford, Culbreth, Culpeper, Cuthbert, Davidson, Earle, Edwards of North Carolina, Ervin, Fisher, Floyd, Fullerton, Garnett, Hardin, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Little, Lowndes, McCoy, McCreary, McLean of Kentucky, Mercer, Metcalf, Neale, Newton, Overstreet, Parker of Virginia, Pinckney, Pindall, Quarles, Randolph, Rankin, Reed, Rhea, Ringgold, Robertson, Settle, Shaw, Simkins, Slocumb, Smith of Maryland, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Strother, Swearingen, Terrell, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina, Warfield, Williams of Virginia, and Williams of North Carolina—76.

The question was then stated on insisting on the disagreement of the House to the remaining amendments of the Senate, (being the 9th section, embracing the compromise principle.)

Mr. LOWNDES wished to remark, before this question was taken, that, although he should always be ready to vote for such a proposition, substantially, when presented to him, combined with the free admission of Missouri; yet, as the amendment relative to Missouri had been disagreed to, it would be useless to retain this amendment in connexion with the Maine bill alone, and, as he should therefore now vote against retaining it, he wished his motive to be understood.

Mr. MCCREARY made a remark or two to the same effect; when—

The question was taken on insisting on the disagreement of the House to the 9th section of the Senate's amendments, and carried—yeas 160, nays 14, as follows:

YEAS—Messrs. Abbot, Adams, Alexander, Allen of Massachusetts, Allen of New York, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Ball, Barbour, Bateman, Beecher, Boden, Brevard, Brown, Brush, Bryan, Buffum, Burton, Burwell, Butler of New Hampshire, Butler of Louisiana, Campbell, Cannon, Case, Clagett, Clark, Cobb, Cook, Crafts, Culbreth, Cushman, Cuthbert, Darlington, Davidson, Dennison, Dewitt, Dickinson, Dowse, Earle, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Edwards of North Carolina, Ervin, Fay, Fisher, Floyd, Folger, Foot, Ford, Forrest, Fuller, Garnett, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hardin, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Heister, Hill, Holmes, Hostetter, Johnson, Jones of Virginia, Jones of Tennessee, Kendall, Kent, Kinsey, Kinsley, Lincoln, Linn, Livermore, Lowndes, Lyman, Maclay, McCoy, McCreary, McLean of Kentucky, Mallary, Marchand, Mason, Meigs, Metcalf, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, Overstreet, Parker of Massachusetts, Parker of Virginia, Patterson, Phelps, Philson, Pinckney, Pindall, Pitcher, Plumer, Quarles, Randolph, Rankin, Reed, Rhea, Rich, Richards, Richmond, Ringgold, Robertson, Rogers, Ross, Russ, Sampson, Sergeant, Settle, Silsbee, Simkins, Slocumb, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Southard, Stevens, Storrs, Street, Strong of New York, Strother, Swearingen, Taylor, Terrell, Tomlinson, Tompkins, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Upham, Van Rensselaer, Walker of North Carolina, Wallace, Warfield, Wendover, Whit-

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

man, Williams of Virginia, Williams of North Carolina, and Wood.

NAYS—Messrs. Baldwin, Bloomfield, Cocke, Culpeper, Fullerton, Lathrop, Little, Mercer, Shaw, Sloan, Smith of New Jersey, Smith of Maryland, Strong of Vermont, and Tarr.

So the House insisted on its disagreement to the whole of the Senate's amendments to the Maine bill; and the Clerk was directed to acquaint the Senate therewith.

A message from the Senate informed the House that the Senate ask a conference on the subject-matter of the disagreeing votes of the two Houses, on the amendments of the Senate to the bill, entitled "An act for the admission of the State of Maine into the Union," and have appointed managers at the said conference on their part.

THE MISSOURI BILL.

The House then again went into Committee of the Whole, (Mr. COBB in the chair,) on the Missouri bill—Mr. STORRS's proposition to insert therein the clause to exclude slavery from the territory of the United States west of the Mississippi, and north of thirty-six degrees thirty minutes north latitude, (excepting the proposed State of Missouri,) being still under consideration.

Mr. BEECHER resumed and concluded the speech, which he commenced on Saturday, against the amendment, and in defence of the right of Congress to impose the slavery restriction, heretofore discussed.

Mr. RANDOLPH again rose, and spoke some time against the amendment, and in reply to some of the arguments of Mr. BEECHER.

Mr. MALLARY, of Vermont, spoke some time in explanation of the reasons which would induce him to vote against the amendment, though he was in favor of restriction on the territories west of the Mississippi, &c.

Mr. STORRS next addressed the Committee, in a short but earnest speech, in support of his amendment.

Mr. LIVERMORE made a few remarks against the amendment.

Mr. BALDWIN spoke a short time in favor of the amendment, and in reply to a point or two of Mr. BEECHER's remarks.

The question was then taken on Mr. STORRS's amendment, and decided in the negative—ayes 33.

The Committee then proceeded to fill up the details of the bill.

Mr. TAYLOR moved an amendment thereto, going to strike out all that part providing the apportionment of delegates to the convention among the several counties, and substituting therefor, in substance, a provision leaving the apportionment to the General Assembly of the Territory, according to the free population thereof.

Mr. RANDOLPH rose to offer a little amendment to the amendment, which he supposed had dropped out of it by accident: it was the word *white*—a matter, he observed, of some importance yet to those on the south side, as they said—and proceeded to extend his remarks on the subject; when

Mr. TAYLOR accepted the amendment with plea-

sure. He had omitted it, because it was sufficiently expressed in subsequent parts, and he had not deemed it important here.

Considerable discussion ensued on Mr. TAYLOR's amendment, in which it was opposed by Messrs. SCOTT, WHITMAN, and CLAY, and was supported by the mover and Mr. LIVERMORE; and

The question being taken thereon, was decided in the negative, by a large majority.

Mr. ALLEN, of Massachusetts, then moved to amend the third section of the bill, by striking out of the clause which designates the kind of persons who shall vote for delegates to the convention of the State, the word *white*, so as to extend the privilege of voting to all "free male citizens;" and spoke at some length in support of his motion, and in explanation of his opinions on other points which had been introduced in the debate of the bill.

Mr. RANDOLPH rose in opposition to this amendment, and spoke about an hour and a half on this motion, and other topics which he embraced in its consideration.

Some proceedings took place on a point of order which was made; after which, the question was put on Mr. ALLEN's motion, and a division required, when it appeared that but one member (the mover of the amendment) rose in its support.

After filling the blanks in the bill, according to the motions of Mr. SCOTT, of Missouri,

Mr. TAYLOR moved an amendment, [one which he had offered on the first day that the bill was taken up, and then withdrawn,] by adding to the last section the following clause: "And if the same [the constitution] shall be approved by Congress at their next session after the receipt thereof, the said Territory shall be admitted into the Union as a State, upon the same footing as the original States."

This motion was advocated by the mover, and earnestly opposed by Messrs. SCOTT, CLAY, and MERCER; and, after some remarks by Mr. BUTLER, of Louisiana, touching the case of Louisiana, referred to in the debate,

The question was taken on Mr. TAYLOR's motion, and negatived—ayes 75, noes 84.

Mr. STORRS then offered an amendment, in effect to transfer the restrictive amendment already adopted, to the sixth section of the bill, (which embraces those provisions in the nature of compact,) and so modify it as to make it a *recommendation* for the free acceptance or rejection of the convention of Missouri, as an article of compact, to exclude slavery, instead of *enjoining* it as an absolute condition of their admission.

Mr. CLAY seconded the motion, and, with the mover, zealously urged the adoption of the amendment. It was opposed as zealously by Messrs. TAYLOR, SERGEANT, and GROSS, of New York.

The debate had continued some time, with much animation; when, in consequence of the doubts expressed whether the amendment, in its present shape, was in order, Mr. STORRS withdrew it.

Mr. CLAY renewed the amendment in substance, but so changing the manner of inserting it in the bill as to avoid the objection as to the point of order.

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

The debate was renewed on the proposition, and continued with undiminished zeal, by Mr. CLAY, in its support, and by Messrs. TAYLOR, SERGEANT, RANDOLPH, and COOK, against it.

The question being put, the Committee divided, and the amendment was negatived, as follows: For the amendment 82, against it 92.

No other amendment being offered, about half past nine o'clock the Committee (having rejected several motions, in the course of the evening, to rise and report progress) rose and reported the bill to the House.

Mr. LOWNDES laid the following proposition on the table, as an amendment of the rules and orders of the House:

"And if any member shall not confine himself to the question under debate, and shall be called to order, if the decision of the Speaker of the House, upon appeal, be against the member thus deviating from the question, such member shall not be, at that time, permitted to proceed, without the special leave of the House."

The House then adjourned.

TUESDAY, February 29.

Mr. SMITH, of North Carolina, submitted the following resolution, which was read, and ordered to lie on the table:

"*Resolved*, That the Committee for the District of Columbia be directed to report a bill, authorizing the Grand Lodge of the District of Columbia to erect a Masonic Hall, in this city, by lottery."

AMENDMENT TO THE RULES.

The House then took up the motion, offered last evening by Mr. LOWNDES, to amend the rules and orders of the House.

Mr. STROTHER opposed the proposition, and spoke at considerable length to show that it was unnecessary, and might be dangerous and oppressive, and was inexpedient.

Mr. SMITH, of Maryland, said a few words to the same effect.

Mr. RANDOLPH offered to amend the proposition by adding thereto the following proviso:

"*Provided*, That in such case the words in question shall be reduced to writing, and that the member, thus called to order, shall be at liberty, if he shall choose, to explain the same."

Mr. R. followed his motion, at some length, with remarks in illustration of the oppressive effects which might be apprehended from the proposition, without the qualification which his amendment proposed, with which the rule, he admitted, would be salutary.

Mr. LOWNDES spoke in support of his proposition, and defended it principally on the ground of its necessity to prevent the time of the House from being wasted by irrelevant debate; to prevent a yet greater evil—an injury to the character of the House by suffering such a waste of time—the consequent creation of an opinion that the House is inadequate to the proper discharge of its duties, &c., and that no undue regard for the principle of the liberty of speech ought to overrule a measure

necessary to counteract evils so serious as those he had noticed. He disapproved Mr. RANDOLPH's amendment because it would neutralize his proposition, and leave the rules just as inoperative as they were at present, in the case he wished to provide for.

Mr. MERCER, with the view of proceeding at once to the important business of the day, moved to lay the subject on the table; but the motion was negatived.

Mr. M. then moved the indefinite postponement of the proposition, and spoke at some length against it, as placing in the hands of a majority of the House an engine of oppression and injustice. He waived his motion, however, to give place to a motion by

Mr. WILLIAMS of North Carolina, who entertained doubts on the expediency of the proposition, and was not prepared at this moment to vote on it; and, therefore, moved its postponement until to-morrow. This motion prevailed; and the amendment was postponed accordingly.

MAINE BILL.

The House took up, and proceeded to consider, the message from the Senate asking a conference upon the subject-matter of the disagreeing votes of the two Houses on the amendments proposed by the Senate to the bill, entitled "An act for the admission of the State of Maine into the Union;" whereupon,

Resolved, That this House do agree to the conference asked by the Senate upon the subject-matter of the disagreeing votes of the two Houses on the amendments depending to the bill aforesaid, and that managers be appointed to the same on their part.

Ordered, That Mr. HOLMES, Mr. TAYLOR, Mr. LOWNDES, Mr. PARKER, of Massachusetts, and Mr. KINSEY, be the managers at the said conference on the part of this House.

MISSOURI BILL.

The House took up, and proceeded to consider, the amendments reported by the Committee of the Whole to the bill to authorize the people of the Territory of Missouri to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States; and, the said amendments being read, were concurred in by the House, with the exception of the following:

"And shall ordain and establish, that there shall be neither slavery nor involuntary servitude in the said State, otherwise than in the punishment of crimes whereof the party shall have been duly convicted: *Provided, always*, That any person escaping within the same, from whom labor or service is lawfully claimed in any other State, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor, or service, as aforesaid; *Provided, nevertheless*, That the said provision shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said Territory."

The question was then stated to concur in the said amendment; when,

Mr. STORRS moved to amend the same by striking

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

out these words: "And shall ordain and establish that;" and, in lieu thereof, to insert the following, to wit:

"*And be it further enacted*, That the following propositions be, and the same are hereby, offered to the said convention, for their free acceptance or rejection, to be incorporated into the Constitution of the said State, as articles of compact between the said State and the United States, viz: That there be neither slavery nor involuntary servitude in the said State, otherwise than in the punishment of crimes whereof the party shall have been duly convicted; *Provided, always*, That any person escaping within the same from whom labor or service is lawfully claimed in any other State, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid; *Provided, nevertheless*, That the said provision shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said Territory.

Mr. RHEA spoke near an hour against the restriction.

Mr. WALKER, of North Carolina, spoke a short time on the same side.

Mr. FORD, of New York, spoke half an hour in answer to the remarks of several gentlemen who had opposed the restriction.

Mr. JOHNSON, of Virginia, replied briefly to Mr. F., and in explanation of remarks which he had before made.

Mr. NELSON, of Virginia, next rose and entered into a general examination of the restriction in the proposed case; to show that Congress possessed no right to impose it.

Mr. RANDOLPH spoke some time against Mr. STORRS's amendment.

Mr. SMITH, of Maryland, followed, and addressed the House at considerable length against the right of restriction, &c.

Mr. FORREST, of Pennsylvania, spoke as follows:

Mr. Speaker: I rise to give my reasons why I shall vote for the restriction and against the amendment offered to it, or, in other words, more in unison with my feelings, why I shall vote against the extension of slavery beyond the bounds of the old United States. I rise with unfeigned deference to those who have gone before me, whose abilities are so pre-eminent, whose research has been so profound, and whose powers and eloquence have been so impressive on the subject, that very little is left for me to say. I have possessed myself of sundry notes from the Constitution and other documents, to aid me in my feeble attempt, lest I should be embarrassed, not being accustomed to public speaking, and having but small hopes, and less expectation, of being able to cast a single ray of new light on the subject. I shall commence by declaring that the Constitution, so far as slavery may be inferred from it, is nothing but the creature of compromise, which I can testify, on a retrospect of my feelings at the time of its adoption, or rather when it was promulgated for the consideration of the public. It was a compromise to prevent disunion; it was a dereliction of first principles upon which the independence of our country

was achieved; it was an acquiescence in the bondage of those of our fellow-men in whose services their possessors conceived they had a property. It was a compromise for the sake of peace, and confined wholly to the then United States, and not extended to the territory possessed or to be acquired.

The parts of the Constitution which I shall recite are section 2d, article 3d: "Representatives and direct taxes shall be apportioned among the several States according to their respective numbers, which shall be determined by adding to the whole numbers of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all persons," &c. This part of the article I have thus noted, and the 1st article of the 9th section, to wit: "The migration and importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person," manifestly show, (corroborated by the declaration made on this floor, by the member from South Carolina, who had been a member of the Convention,) that the States of South Carolina and Georgia would not have come into the Union if this concession had not been made by the other States; that it was a compromise, and that the words in the 9th section, "as any of the States now existing shall think proper to admit," although the words slave, slaves, or slavery, are not in the Constitution, yet it is inferred, and servitude is confined to the then United States, and not extended to the territory. Does not the limitation in the 9th section of the Constitution most manifestly declare the power of Congress to prohibit the importation of such persons, *say slaves*, by limiting the exercise of the authority until the year 1808, and which could only have been meant to be operative on the old United States, as will appear by the act of Congress, passed the 7th April, 1798, to authorize the establishment of a government in the Mississippi Territory? At least ten years before the expiration of the limitation contained in the 9th section, before recited, the 7th section of the act of Congress, just alluded to, prohibits the importation of slaves into the Mississippi Territory, from any port or place without the United States, under a penalty of three hundred dollars, and the slave to be entitled to his or her freedom; as also the act, passed 26th March, 1804, erecting Louisiana into two territories, and providing for the temporary government thereof. See the 10th section, in the following words:

"The prohibition of the importation of slaves in the territories, not only from any port or place without the United States, but also from any port or place within the limits of the United States, of any slave or slaves which shall have been imported into the United States since the first day of May, 1798."

This act was passed at least six years before the expiration of the limitation before mentioned, and had relation to the slaves imported into the United States since May, 1798.

Now, is not this conclusive to show that the Congress could not have entertained the most dis-

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

tant idea that the territory belonging to the United States was entitled to a participation in the compromise with the old States? No: if they had, they never would have passed those acts, but would have considered the limitation contained in the 9th section of the Constitution as applying to the territory as well as to the old United States.

It seems too plain to admit a doubt, that, previous to the year 1808, Congress had the power, and exercised it, to prohibit the migration and importation of slaves into their territories, and into new States formed out of their territories; and if it may be prohibited into new States, (which has been done,) why not the same authority to make it a condition for the admission of territories into new States?

The third section of the Constitution, part the first: "New States may be admitted by Congress into the Union," and so on. Second part: "The Congress shall have power to dispose of, and to make all needful rules and regulations that policy and expediency may dictate for public good;" and, in exercising their powers, Congress passed the resolution, on the 10th day of April, 1780: "That the unappropriated lands that may be ceded to the United States by any particular State, pursuant to the recommendation of Congress, should be disposed of for the common benefit of the United States, and admitted into the Federal Union, with all the rights of sovereignty, freedom, and independence, with other States."

It was in consequence of this resolution, that Virginia, New York, Massachusetts, and Connecticut, ceded to the United States claims to land within their States respectively, beyond a given line, which they thereby made their western boundary. Virginia ceding all her territory northwest of the river Ohio, in conformity to the resolution of the 10th day of October, 1780, Congress passed an ordinance, on the 13th day of October, 1787, for the government of the territory northwest of the river Ohio, being that part of the cession made by the State of Virginia, ordaining, in the articles of compact, that the territory should be restricted from taxing the lands the property of the United States, and providing that in no case should the non-residents' land be taxed higher than residents'; the 6th article of which inhibits slavery and involuntary servitude. The fifth section of the said ordinance having varied the disposition of the territory into States from the mode pointed out in the cession made by Virginia to the United States, Congress passed a resolution recommending to the State of Virginia a reconsideration of her cession, or so much of it as prescribed the bounds of the States to be formed out of territory ceded by her, so as to comport with the views of Congress, contained in the 5th section of the ordinance to divide the ceded territory into distinct States of not more than five nor less than three, as the situation of the territory might require. The State of Virginia, by the act of her Legislature, did so reconsider the section, and adopted the 5th section of the ordinance of Congress verbatim; and, at the same time, the 6th section, prohibiting slavery and involuntary servitude, was the subse-

quent section; by which, and by her full representation on the floor of Congress, she became a party in imposing the restrictions, however inconsistent her conduct is at this day, for, had she thought they were incompatible, or unconstitutional, she would have then made her objections, and not at this day; but, as she did not, the territory was formed into three States, which were subsequently admitted into the Union, to wit: Ohio, Illinois, and Indiana, and now are respectively represented on this floor, without diminution of sovereignty.

The State of Georgia ceded to the United States all the territory within her chartered bounds, beyond a given line, and, by the fifth part of the first section of the articles of agreement between the United States and the State of Georgia, she authorized the formation of the State of Mississippi to be admitted into the Union, on the same conditions and restrictions, with the same privileges, and in the same manner, as is provided in the ordinance of Congress passed the 13th day of July, 1787; which ordinance was thereby directed, in all its parts, to extend to the territories, except that article which forbids slavery.

This, the State of Georgia had a right to except, the territory being within the chartered bounds of the State of Georgia; and, of course, within the limits of the old United States. Mississippi was admitted into the Union in December, 1817, and Alabama was authorized to become a State in 1819, upon the same conditions and restrictions, both formed out of the same territory. I now will state a question—if the States of Ohio, Georgia, Virginia, and other States, can cede their territory, to become States in the Union, and that under restriction, cannot the United States do the same with their territory, without impairing their sovereignty, when they are admitted into the Union?

I will relieve the Committee from further attention, after a very few remarks on observations that have been made by members opposed to the amendment. The member from Virginia, who is not now in his place, but who I have in my eye, when on the floor dealt out denunciations of disunion, massacre, civil war, horror, and blood, exclaiming that, if the restriction should be carried, this would be the darkest day our country ever saw. Here I must differ with the member. No; the morning of the 26th day of December, 1776, let me tell the youth, whose father was a fellow-soldier of mine, a Revolutionary compatriot in the cause of liberty, was the darkest time our country ever saw. It was then WASHINGTON led his patriot band of freemen to the battle of Trenton, the forlorn hope of the independence of his country. It was then he commanded the rifle corps under Captains Washington and Monroe to drive in the Hessian pickets. Methinks I see the striplings skipping in obedience. The action became general, and WASHINGTON, at their head, pouring forth his patriotic exhortation, in words that will ever be remembered by me, and ought to be impressed on the minds of every friend to liberty: "That the darkest time of night was just before day;" which was soon verified by the surrender of the Hessians, an event that

H. OF R.

Admission of Missouri.

FEBRUARY, 1820.

gave a preponderance to the invisible balance held by the hand of Him who weighs the fate of nations. It was that event that laid the foundation of our country's independence, and to which we are indebted for our seats at this day, in this splendid hall, once more engaged in the cause of liberty. When WASHINGTON led on his little patriot band, to them he was as a modern Moses; he went before them as a pillar of smoke by day, and a column of fire by night; his sympathy in their distress and sufferings allayed their hunger and quenched their thirst. They followed him as the modern Israelites, the Israelites of the day, with their *urim* and *thummim* on their breasts, the insignia of their cause inscribed on escutcheons of brass, fixed on their bayonets and sword-belts—liberty or death—united we stand, divided we fall—'tis for posterity we die. Posterity! what, posterity perpetuate slavery! How shall I express myself? Oh pour un mantle pour couvrir les faces de ceux qui sont les fils de mes compatriotes, who with me in battle, fell, whose death I then regretted as premature and unfortunate, snatched, as I then thought, from a participation in the blessings of an happy independence, in the full enjoyment of every civil and religious liberty. But now I have occasion to rejoice; yes, rejoice overmuch, that they were not, like me, permitted to live to see posterity outgrow the remembrance of the patriotic virtues of their fathers, by an act for the extension of slavery.

It has been a source of very considerable pain to me, and an afflicting exercise of mind, to hear members on one side of the House, or those who are opposed to restriction, use such language against their fellow-members on the other side, as does not comport with their dignified standing on this floor. Denunciation, sarcasm, and insinuation, serve to irritate and excite warmth with some, but with me they only produce sorrow, that the exemplary and conciliatory language of Abraham, the elder, to Lot, the younger brother, did not pervade our feelings. "Let there be no strife between thee and me, between thy herdsman and mine; are we not brethren?" I shall notice an allusion to me by a member when on the floor, who was pleased to characterize the extremes of my life, by portraying the previous part in all the habiliments and trappings of a soldier in uniform clothes and epaulettes. The friend must have had but a very imperfect knowledge of the Revolutionary Army, if he supposed that they were as neatly dressed and equipped as the officers of the present day. No, it was the inability of Congress to furnish the means to either feed, pay, or clothe the army, that reduced them to starvation, and to the necessity of cutting up their only blankets to make a coat and overalls; and as to rank, it could not be distinguished for the want of epaulettes. I was in hopes the little service I rendered to my country would not have been sufficient to have brought me into notice at this day; it is a part of my life I wish to forget, being opposed to war, believing it to be unlawful in the sight of God. But, if the extension of slavery grows out of the question before the Committee, I shall think the small share I have had in the Revolution was the blackest part of my life.

My plainness of dress and manners were also noticed and complimented, as belonging to the society of Friends, otherwise called Quakers. I trust I am a member of the church militant, and in spiritual union with friends, whose character is peace and good will to all men; and I am authorized to say, that I would cheerfully give up the Territory to the inhabitants to free their fellow-men, to avert what has been threatened, but which I cannot think will ever be realized. However, I cannot do an evil that good may come out of it.

I now shall conclude, with expressions of respect for the members from Virginia and Kentucky, who were pleased to compliment the State of which I am an humble Representative, by ascribing its dignified standing in the Union to the exemplary conduct of the people called Quakers. Would to God we were all Quakers; there would be less strife, more harmony and brotherly love among us; and, if we were to follow their precepts and emulate their virtues, we should do as they do; they build all their churches without a lottery; they do not sell their pews to the highest bidder; but sit on benches, master and man; they maintain their own poor, and pay their tax assessed for the maintenance of the poor of the township they live in; they believe God to be a spirit, and worship in spirit and truth.

Mr. PARKER, of Virginia, occupied the floor about half an hour, on the other side. When Mr. P. concluded—

The question to agree to the amendment proposed by Mr. STORRS, was put, and decided in the negative—yeas 82, nays 98, as follows:

YEAS—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baldwin, Ball, Barbour, Bloomfield, Brevard, Brown, Bryan, Burton, Burwell, Butler of Louisiana, Cannon, Cobb, Cocke, Crawford, Crowell, Culbreth, Culpeper, Cuthbert, Davidson, Earle, Edwards of North Carolina, Ervin, Fisher, Floyd, Fullerton, Garnett, Hall of North Carolina, Hardin, Hill, Holmes, Hooks, Jones of Virginia, Kent, Little, Lowndes, McCoy, McCreary, McLane of Delaware, McLean of Kentucky, Mason, Meigs, Mercer, Metcalf, Neale, Nelson of Virginia, Newton, Overstreet, Parker of Virginia, Pinckney, Pindall, Quarles, Rankin, Reed, Rhea, Ringgold, Robertson, Settle, Shaw, Simkins, Slocumb, Smith of Maryland, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Storrs, Strother, Swearingen, Terrell, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina, Warfield, Williams of Virginia, and Williams of North Carolina—82.

NAYS—Messrs. Adams, Allen of Massachusetts, Allen of New York, Baker, Bateman, Beecher, Boden, Brush, Bußum, Butler of New Hampshire, Campbell, Case, Clagett, Clark, Cook, Crafts, Cushman, Darlington, Dennison, Dewitt, Dickinson, Dowse, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Fay, Folger Foot, Ford, Forrest, Fuller, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Heister, Hostetter, Johnson, Jones of Tennessee, Kendall, Kinsey, Kinsley, Lathrop, Lincoln, Linn, Livermore, Lyman, Maclay, Mallary, Marchand, Meech, R. Moore, S. Moore, Monell, Morton, Mose-

FEBRUARY, 1820.

Admission of Missouri.

H. OF R.

ley, Murray, Nelson of Massachusetts, Parker of Massachusetts, Patterson, Phelps, Philson, Pitcher, Plumer, Randolph, Rich, Richards, Richmond, Rogers, Ross, Russ, Sampson, Sergeant, Silsbee, Sloan, Smith of New Jersey, Southard, Stevens, Street, Strong of Vermont, Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Upham, Van Rensselaer, Wallace, Wendover, Whitman, and Wood—98.

Mr. SCOTT then offered an amendment to the restrictive amendment, having for its object, in substance, to prevent the operation of the restriction either on the slaves now in Missouri or on their increase.

This proposition was advocated by Mr. CAMPBELL of Ohio; but,

Mr. SCOTT, at the suggestion of several of his friends, withdrew his amendment.

The question was then taken on concurring in the restrictive amendment, adopted in Committee of the Whole, on the motion of Mr. TAYLOR, and decided in the affirmative, by yeas and nays, as follows:

YEAS—Messrs. Adams, Allen of Massachusetts, Allen of New York, Baker, Bateman, Beecher, Boden, Brush, Buffum, Butler of New Hampshire, Campbell, Case, Clagett, Clark, Cook, Crafts, Cushman, Darlington, Dennison, Dewitt, Dickinson, Dowse, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Fay, Folger, Ford, Forrest, Fuller, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Heister, Hostetter, Kendall, Kinsey, Kinsley, Lathrop, Lincoln, Linn, Livermore, Lyman, Maclay, Mallary, Marchand, Meech, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Nelson of Massachusetts, Parker of Massachusetts, Patterson, Phelps, Philson, Pitcher, Plumer, Rich, Richards, Richmond, Rogers, Ross, Russ, Sampson, Sergeant, Silsbee, Sloan, Smith of New Jersey, Southard, Stevens, Street, Strong of Vermont, Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Upham, Van Rensselaer, Wallace, Wendover, Whitman, and Wood—94.

NAYS—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baldwin, Ball, Barbour, Bloomfield, Brevard, Brown, Bryan, Burton, Burwell, Butler of Louisiana, Cannon, Cobb, Cocke, Crawford, Crowell, Culbreth, Culpeper, Cuthbert, Davidson, Earle, Edwards of North Carolina, Ervin, Fisher, Floyd, Foot, Fullerton, Garnett, Hall of North Carolina, Hardin, Hill, Holmes, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Little, Lowndes, McCoy, McCreary, McLane of Delaware, McLean of Kentucky, Mason, Meigs, Mercer, Metcalf, Neale, Nelson of Virginia, Newton, Overstreet, Parker of Virginia, Pinckney, Pindall, Quarles, Randolph, Rankin, Reed, Rhea, Ringgold, Robertson, Settle, Shaw, Simkins, Slocumb, Smith of Maryland, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Storrs, Strother, Swearingen, Terrell, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina, Warfield, Williams of Virginia, and Williams of North Carolina—86.

So the House concurred in the restriction.

Mr. TAYLOR then renewed a motion which he had made unsuccessfully in Committee, to amend the last section of the bill, by striking out the words "and the said States, when formed, shall be

admitted into the Union on an equal footing with the original States," and inserting in lieu thereof the following: "and if the same (the constitution) shall be approved by Congress, the said Territory shall be admitted into the Union as a State, upon an equal footing with the original States."

This question was briefly supported by the mover, and was opposed by Messrs. SCOTT, LOWNDES, MERCER, FLOYD, and HENDRICKS; and, the question being taken thereon, it was decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Adams, Allen of Massachusetts, Allen of New York, Buffum, Butler of New Hampshire, Clark, Crafts, Cushman, Darlington, Dennison, Dowse, Edwards of Connecticut, Edwards of Pennsylvania, Fay, Folger, Forrest, Fuller, Guyon, Hackley, Hemphill, Herrick, Hostetter, Kinsley, Lathrop, Lyman, Maclay, Marchand, Meech, Morton, Murray, Patterson, Phelps, Philson, Rich, Richards, Richmond, Rogers, Ross, Sergeant, Storrs, Strong of Vermont, Strong of New York, Tarr, Taylor, Tracy, Van Rensselaer, Wallace, Wendover, and Wood—49.

NAYS—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baldwin, Ball, Barbour, Bateman, Beecher, Bloomfield, Boden, Brown, Brush, Bryan, Burton, Burwell, Butler of Louisiana, Campbell, Cannon, Case, Clagett, Cobb, Cocke, Cook, Crawford, Crowell, Culbreth, Culpeper, Cuthbert, Davidson, Dewitt, Dickinson, Earle, Eddy, Edwards of North Carolina, Ervin, Fisher, Floyd, Foot, Ford, Fullerton, Garnett, Gross of New York, Gross of Pennsylvania, Hall of New York, Hall of North Carolina, Hardin, Hazard, Hendricks, Hibshman, Heister, Hill, Holmes, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, Kendall, Kent, Kinsey, Little, Lincoln, Linn, Livermore, Lowndes, McCoy, McCreary, McLane of Delaware, McLean of Kentucky, Mallary, Mason, Meigs, Mercer, Metcalf, R. Moore, S. Moore, Monell, Moseley, Neale, Nelson of Virginia, Newton, Overstreet, Parker of Massachusetts, Parker of Virginia, Pinckney, Pindall, Pitcher, Plumer, Randolph, Rankin, Reed, Rhea, Ringgold, Robertson, Russ, Sampson, Settle, Shaw, Silsbee, Simkins, Sloan, Slocumb, Smith of New Jersey, Smith of Maryland, B. Smyth of Virginia, A. Smith of Virginia, Smith of North Carolina, Southard, Stevens, Street, Swearingen, Terrell, Tomlinson, Tompkins, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina, Warfield, Williams of Virginia, and Williams of North Carolina—125.

The question recurring on ordering the bill to be engrossed and read a third time,

Mr. STORRS moved to amend the bill, by adding thereto a new section, providing for the exclusion of slavery from all the Territories of the United States west of the Mississippi and north of thirty-six degrees thirty minutes of north latitude, excepting the proposed State of Missouri—(the amendment commonly called the compromise.)

Mr. RANDOLPH spoke a short time against this amendment.

Mr. FOOT moved to amend the amendment by striking out the words "thirty-six degrees thirty minutes north latitude," so as to leave the provision applicable to all the Territories of the United States.

H. OF R.

Proceedings.

MARCH, 1820.

Mr. CLARK made a few remarks against the propriety of introducing the amendment offered by Mr. STORRS in this bill.

Mr. RANDOLPH stated much at large, the reasons why he should vote against the compromise.

Mr. FOOT explained the object of his motion, which was, chiefly to attempt an accommodation of conflicting opinions on this subject, of stripping the question of the Constitutional difficulty, and to test the sincerity of those who had maintained the restriction.

Mr. COBB spoke at considerable length, and very warmly, against all restriction whatever, as tending to universal emancipation.

Mr. STORRS rose and stated that, from the consideration that his proposition might create delay in the passage of the bill, by drawing out a long discussion, and thus, by procrastinating any result from the conference between the two Houses, operate to delay the admission of Maine beyond the 4th of March, the time to which she had been limited by the parent State—he would withdraw his proposition.

The question was then, at length taken, on ordering the bill to be engrossed, and read a third time, and decided in the affirmative by yeas and nays, as follows:

YEAS—Messrs. Adams, Allen of New York, Anderson, Baker, Bateman, Beecher, Boden, Brush, Bufum, Butler of New Hampshire, Campbell, Case, Claggett, Clark, Cook, Crafts, Cushman, Darlington, Denison, Dewitt, Dickinson, Dowse, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Fay, Folger, Ford, Forrest, Fuller, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hemphill, Hendricks, Herrick, Hibshman, Heister, Hill, Hostetter, Kendall, Kinsey, Kinsley, Lathrop, Lincoln, Linn, Lyman, Maclay, Mallory, Marchand, Meach, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Nelson of Massachusetts, Parker of Massachusetts, Patterson, Phelps, Philson, Pitcher, Plumer, Rich, Richards, Richmond, Rogers, Ross, Russ, Sampson, Sergeant, Silsbee, Sloan, Smith of New Jersey, Southard, Stevens, Street, Strong of Vermont, Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Upham, Van Rensselaer, Wallace, Wendover, Whitman, and Wood—93.

NAYS—Messrs. Abbot, Alexander, Allen of Tenn., Archer of Maryland, Archer of Virginia, Baldwin, Ball, Barbour, Bloomfield, Brevard, Brown, Bryan, Burton, Burwell, Butler of Louisiana, Cannon, Cobb, Cocke, Crawford, Crowell, Culbreth, Culpeper, Cuthbert, Davidson, Earle, Edwards of North Carolina, Ervin, Fisher, Floyd, Foot, Fullerton, Garnett, Hall of North Carolina, Hardin, Holmes, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Little, Livermore, Lowndes, McCoy, McCreary, McLane of Delaware, McLean of Kentucky, Mason, Meigs, Mercer, Metcalf, Neale, Nelson of Virginia, Newton, Overstreet, Parker of Virginia, Pinckney, Pindall, Quarles, Randolph, Rankin, Reed, Rhea, Ringgold, Robertson, Settle, Shaw, Simkins, Slocumb, Smith of Maryland, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Storrs, Strother, Swearingen, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina, Warfield, Williams of Virginia, and Williams of North Carolina—84.

The bill was then ordered to be read a third

time to-morrow; and a little after 8 o'clock, the House adjourned.

WEDNESDAY, March 1.

Mr. KENT, from the Committee on the District of Columbia, made an unfavorable report on the petition of the Grand Lodge of the District of Columbia, (to be authorized to build a Masonic Hall by lottery;) which report was read and concurred in.

Mr. CANNON, from the Committee on the Militia, reported a bill to establish an uniform mode of discipline and field exercise for the militia of the United States; which was twice read and committed.

The SPEAKER laid before the House a letter from the Secretary of War, communicating the information required by the resolution of the 24th ultimo, in relation to a loan of gunpowder made to the firm of Stull & Williams.

The SPEAKER also laid before the House a letter from the Secretary of War, communicating the information required by the resolution of the 22d ultimo, in relation to the contracts heretofore made with James Johnson, Alexander McRea, Elias Earle, and Peter Townsend, for the delivery of powder, arms, &c.

These communications were severally read and ordered to lie on the table.

Mr. WHITMAN submitted the following resolution for consideration:

Resolved, That the Committee on Naval Affairs be instructed to inquire and report to this House what right, if any, Commodore Stewart had, by law or otherwise, to require that men whose terms of enlistment expired while on the Mediterranean station, should either re-enlist, or forfeit the right "to any claim or provision as distressed seamen, from the Consuls of the United States in Europe;" and what right existed at the Departments of the Treasury and Navy "to refuse remuneration for such claims," as stated in a letter, under date of the 27th January, 1820, addressed by the Secretary of the Navy to the chairman of the Committee of Ways and Means.

A short debate took place on this resolution, in which it was supported by the mover, and was opposed by Messrs. SMITH, of Maryland, and TRIMBLE; in the conclusion of which Mr. TRIMBLE moved that the resolution be laid on the table for the present, which motion was agreed to.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: An act for the better regulation of the trade with the Indian tribes; An act for the relief of Robert Purdy; An act in addition to an act, entitled "An act regulating the Post Office Establishment;" An act for the relief of Bartholomew Duverge; An act for the relief of Labedoyere de Kermion; and An act for the relief of Joseph McNeill; in which bills they ask the concurrence of this House.

DEATH OF DAVID WALKER.

Mr. QUARLES, of Kentucky, rose, he said with feelings which he could not express, and with a melancholy very seldom experienced by him, to

MARCH, 1820.

Death of David Walker.

H. OF R.

announce to the House the distressing intelligence of the death of one of its body; my friend and colleague Major DAVID WALKER, with Christian fortitude, about eight o'clock this morning, exchanged, said Mr. Q., a world of cares, of toils and difficulties, for, I hope, a mansion of bliss.

I offer, said Mr. Q., for consideration, resolutions comporting with the wish of the deceased. While living, my colleague, by profession and practice, in private and public life, was a plain unaffected man. He, from education, had an abhorrence of pomp and parade. He desired that the body that was clad with mourning should weep with mental distress. He had seen numerous carriages, filled with persons attending funerals, at this and other places, moving with solemnity to the burial ground, and returning from it with no evidences of sorrow. And to prevent a similar spectacle, connected with his remains, did he make the request contained in the resolutions I now offer. The Representatives from Kentucky, the relatives of the deceased, and also those gentlemen who lived with him, and whose kindness was generously afforded him in his sickness, have been consulted with regard to the propriety of the course which is now proposed, and have approved it. I wish that this body will consider the departure from the usual course of proceeding on former occasions of this kind, as arising from none other than the purest motives—the most sincere respect to our colleague—and in this House a desire to carry into execution the dying wish of one of its body. I hope that I shall have the kind indulgence of my brother members, in permitting the repeated wishes of my colleague to be carried into effect, conformably to the spirit of the resolutions now proposed.

Mr. Q. then submitted the following resolutions :

Resolved, unanimously, That a committee be appointed to take order for superintending the funeral of David Walker, deceased, late a Representative from the State of Kentucky.

Resolved, That the said David Walker having communicated to the Speaker of this House, and the honorable James Barbour, of the Senate, shortly before his death, his wish that he might be buried without pomp or parade, attended by a few only of his friends, in compliance with his wish, this House will, on this occasion, not conform to the practice which has heretofore prevailed, of adjourning, to attend the funeral of a deceased member.

Resolved, further, That, in conformity with the spirit of the same wish of the deceased, the members of this House will depart from the usage of wearing crape for one month, with the exception of those who may voluntarily choose to conform to said usage.

Mr. RANDOLPH said it was from a very different sentiment indeed than that of disrespect to their departed brother who had gone to his account, that he rose to say any thing on this melancholy occasion. There is no man in this body, said Mr. R., in whose eyes, at this time—may it be so at all times!—the wretched strife and contention of ambition appears so contemptible, or at least more low and contemptible, than in the eyes of him who now addresses you. Sir, I cannot consent to continue that strife under existing circumstances; I will, as far as in me lies, conform to the

letter and the spirit of the request of the deceased. But, while I conform to the letter and spirit of that request—and, sir, it is such an one as I should wish made in my own behalf, under similar circumstances—I cannot consent to protract the discussion of the most agitating and invidious question which was ever presented to the Congress of the United States since the institution of this Government. I do not mean to cavil about the point that a motion not to adjourn is never in order, although a motion to adjourn is always in order—far be such a spirit from me at all times, but more especially at the present time. But, said Mr. R., I wish to adhere to precedents set in good times, on such mournful occasions, in this House. And, if precedents are valuable on any occasion, they are to be adhered to in those decorous and solemn rites which all people, even the most savage, pay to the last sad relics of departed humanity, and in which the infringement of established custom strikes as a jarring discord upon the heart. The first death which took place of a member of this House—and I ought well to remember it—for it was of one of my nearest relatives, the only near one left on the maternal side—it took place in New York, in the month of June, 1790, when Congress sat in that city—the House resolved that the delegation of Virginia then present (consisting, when full, of only ten members) should be a committee to see performed the last sad offices for the deceased. The next day they “resolved, unanimously, that the members of this House, from a sincere desire of showing every mark of respect due to the memory of Theodorick Bland, deceased, late a member thereof, will go in mourning for him one month, by the usual mode of wearing crape on the left arm.” As the member in question was, if not in affluent, yet in independent circumstances, it was ordered that a sum equal to his travelling expenses, had he lived to return to Virginia, should be allowed for the expense of removing him to his last sad home in this world. I mean, sir, the travelling allowance was viewed as a fund to which the deceased member's executors might be entitled, and therefore applicable, under the direction of his colleagues, to the rites of sepulture. His executors might, if they pleased, have removed the body to the family burial ground. The funeral was neither pompous nor expensive; it was, what it ought to have been, decent Christian burial. Other cases had occurred, Mr. R. continued, which he remembered, in Philadelphia; two particularly, of members from North Carolina. On those occasions, a particular friend of his, who has been a member of Congress from the time of the adoption of the Constitution by North Carolina, was appointed on the committee to make the necessary arrangements for interment, in the case of Mr. Burgess, of Edenton, he believed, and in that of Mr. Bryan, of Newbern, he was sure, in conjunction with a colleague of his (Mr. Thomas Blount,) since also gone where all flesh must go. On that occasion this rule was also observed. During the first session of Congress here, (the last of Mr. Adams's administration,) this House lost one of its most

H. OF R.

Admission of Missouri.

MARCH, 1820.

valuable members, in the person of a gentleman from Georgia, (Mr. Jones.) In this case the rule was still adhered to. But, at a succeeding session, the first under the new administration, and the only bad example set at the time—Mr. R. regretted it the more, as he felt his full share of all responsibility incurred at that time—on the death of the delegate from the Territory of Mississippi, (Mr. Hunter) the rule was departed from; then, for the first time, was the practice adopted of providing a funeral at the public expense, be that expense what it might; and that rule, under which gross abuses have been practised, has continued ever since to be observed, or rather to be abused; and this without any change in the accustomed form of attending the funeral and wearing crape for a month. Why not, then, in this case, said Mr. R., comply with the letter and spirit of the request of the deceased, without departing from the established form, and yet get back, if I may so express myself, to first principles, on this melancholy occasion? Mr. R. adverted to the funeral of a former Vice President. To what man does the cause of American Independence owe more, with *one* single exception, than to George Clinton? None; none, sir. If any man's remains might claim a funeral at the public expense, surely it is those of him whose death bathed a nation in tears. Next to that man, or as near as any, in the cause of the Revolution, stood George Clinton. But a funeral at the public expense ought to be considered as the highest public honor which the nation could bestow. Ought it, then, to be considered a matter of course, that, whenever a member of either House of Congress, or a Territorial Delegate, or a Vice President, or even a President of the United States, shall leave this bustling, sorry world, we shall follow him (perhaps nothing loath) to the grave, and the sumptuous funeral be defrayed at the public charge? It was not the money price of which he spoke. Recollect the case of the late William Pitt. What was the distinction taken on that occasion? And by whom was a public funeral of that great statesman, who for more than twenty years had filled the first place in the eyes of Europe, opposed? By a man whom I may call, and will call, ultimus Anglorum—by William Windham; by the favorite disciple of Edmund Burke, the fourth but not the least star in the great constellation of English statesmen that is set for ever. It was this—he would pay the debts of this eminent man; his great and disinterested public services deserved it at the hands of the nation; but he would give no unsuccessful statesman, and such he considered Mr. Pitt to have been, a funeral at the public expense. Mr. R. hoped the House would, in the present case, go on in the usual course; and that, while it complied with the established form, it would at the same time comply in such a manner as to fulfil the letter and spirit of the request of the deceased.

The SPEAKER rose and observed that, as he was referred to in the resolutions, he would ask leave of the House to state what had passed between the deceased and himself on the subject. The SPEAKER

then briefly recapitulated the conversations which had taken place between himself and the deceased, which corroborated and supported the statement contained in the resolution.

A few remarks were subjoined by Mr. CLARK and Mr. CULPEPER, in approbation of the wishes of the deceased, when the question was taken on each resolution separately, (a division of the question having been required by Mr. WALKER, of North Carolina,) and they were severally agreed to, *nem. con.*

A committee was appointed accordingly, consisting of the entire delegation from Kentucky, with the exception of Mr. CLAY, (Speaker,) and with the addition of Messrs. BARBOUR, SHAW, TAYLOR, and CUTHBERT.

On motion of Mr. RANDOLPH, the House agreed that when it adjourned, it would adjourn to twelve o'clock to-morrow.

Mr. R. then moved an adjournment, but the motion was not agreed to.

THE MISSOURI BILL.

The engrossed bill to authorize the people of the Missouri Territory to form a constitution and State government, and for the admission of such State into the Union, upon an equal footing with the original States, was read the third time, and the question stated, Shall the bill pass?"

Mr. RANDOLPH rose, and spoke more than three hours against the passage of the bill, on the ground of the unconstitutional and unjust restriction which it imposed on the people of Missouri, as a condition of their admission into the Union, &c. When Mr. R. had concluded,

Mr. HOLMES called for the previous question.

The call being sustained by the House, the previous question was accordingly stated, "Shall the main question be now put?" which being agreed to, the question was taken on passing the bill, and decided in the affirmative—yeas 91, nays 82, as follows:

YEAS—Messrs. Adams, Allen of New York, Baker, Bateman, Beecher, Boden, Brush, Buffum, Campbell, Case, Clagett, Clark, Cook, Crafts, Cushman, Darlington, Dennison, Dewitt Dickinson, Dowse, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Fay, Folger, Ford, Forrest, Fuller, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hazard, Hemphill, Hendricks, Herrick, Hilsbman, Heister, Hill, Hostetter, Kendall, Kinsey, Kinsley, Lathrop, Lincoln, Linn, Lyman, Maclay, Marchand, Meech, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Nelson of Massachusetts, Parker of Massachusetts, Patterson, Phelps, Philson, Pitcher, Plumer, Rich, Richards, Richmond, Rogers, Ross, Russ, Sampson, Sergeant, Silsbee, Sloan, Smith of N. Jersey, Southard, Stevens, Street, Strong of Vt., Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Upham, Van Rensselaer, Wallace, Wendover, Whimann and Wood.

NAYS—Messrs. Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baldwin, Barbour, Bayly, Bloomfield, Brevard, Brown, Bryan, Burton, Burwell, Butler of Louisiana, Cannon, Cobb, Crowell, Culbreth, Culpeper, Cuthbert, Davidson, Earle, Edwards of North Carolina, Ervin, Fisher,

MARCH, 1820.

Proceedings.

H. OF R.

Floyd, Foot, Fullerton, Garnett, Hall of North Carolina, Hardin, Holmes, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Little, Lowndes, McCoy, McCreary, McLane of Delaware, McLean of Kentucky, Mason, Meigs, Mercer, Metcalf, Neale, Nelson of Virginia, Newton, Overstreet, Parker of Virginia, Pinckney, Pindall, Quarles, Randolph, Rankin, Reed, Rhea, Ringgold, Robertson, Settle, Shaw, Simkins, Slocumb, Smith of Maryland, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Storrs, Strother, Swearingen, Terrell, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina, Warfield, Williams of Virginia, and Williams of North Carolina.

So the bill was passed, and sent to the Senate for concurrence; and the House adjourned.

THURSDAY, March 2.

JAMES WOODSON BATES appeared, produced his credentials, was qualified, and took his seat as the Delegate from the Territory of Arkansas.

Mr. SERGEANT presented a memorial and petition of William Bayard, of the city of New York, merchant, in behalf of himself and others, holders of property in the three per cent. stocks of the United States, representing that the proceeds of the sale of the public lands in the Western territory were, by the act of the 4th of August, 1790, pledged, in the most formal and solemn manner, towards sinking or discharging the said stocks; that the holders of the said stocks, since its first creation, have done no other act tending to show that they had given up, in any degree, their reliance on the faith of the Government, so expressly pledged originally, that the proceeds of the said western lands should be applied to extinguish their stocks; on the contrary, they have retained their full faith and reliance on the promises of the Government, and still retain it; they, therefore, pray that Congress will take their case into consideration, and make such provision as justice may require.—Referred to the Committee of Ways and Means.

Mr. BUTLER, of Louisiana, presented sundry resolutions of the General Assembly of the State of Louisiana, remonstrating against any change in the system heretofore, and now, existing for the disposal of the lands of the United States; which resolutions were referred to the Committee on the Public Lands.

Mr. PINCKNEY, from the committee appointed on the subject, reported a bill, to restore to all the States which have, in cessions, omitted to retain the same, the jurisdiction of the territory ceded to the United States for forts, arsenals, dock-yards, and barracks, so far as respects the execution of their State laws, for the prevention and punishment of crimes, and recovery of debts; which was read twice, and committed to a Committee of the Whole on Monday next.

The House took up, and proceeded to consider the bill to authorize the President of the United States to appoint a receiver of the public moneys, and register of the land office, for the district of Laurence county, in the Arkansas Territory; and the bill being amended, was ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. RHEA, the Committee on Pensions and Revolutionary Claims were instructed to inquire into the expediency of reviving, and continuing in force, an act, entitled "An act to provide for persons disabled by known wounds received during the Revolutionary war," passed April 10th, 1806; which act was afterwards revived, and continued in force for the term of six years, by an act of the 25th of April, 1812, as in said act declared, and is since expired.

On motion of Mr. COBB, four thousand copies of the report of the Secretary of the Treasury, upon the subject of the currency of the country, were ordered to be printed for the use of the members of this House.

On motion of Mr. BATEMAN, the Committee on the Judiciary were instructed to inquire into the expediency of requiring, by law, the marshals of the several districts in selling real estate by virtue of execution, to hold such sale in the city or county in which such real estate shall be situate.

On motion of Mr. BALDWIN, the Secretary of the Treasury was required to communicate to this House the state of the Bank of the United States, on the first days of March, June, and December last.

On motion of Mr. HOOKS, a committee was appointed to inquire into the propriety of providing, by law, for an equitable adjustment of the accounts of Andrew McIntire, deceased, late collector of direct tax and internal duties in the sixth collection district of North Carolina, and that they have leave to report by bill or otherwise; and Messrs. HOOKS, SLOCUMB, and SETTLE, were appointed the said committee.

Bills from the Senate of the following titles, to wit:

1. An act for the better regulation of the trade with the Indian tribes;
2. An act in addition to an act, entitled "An act regulating the Post Office Establishment;"
3. An act for the relief of Robert Purdy;
4. An act for the relief of Bartholomew Duverge;
5. An act for the relief of Labcdoyere de Kermeon; and,
6. An act for the relief of Joseph McNeil; were severally read the first and second time, and referred; the first to the Committee on Indian Affairs, the second to the Committee on the Post Office and Post Roads, and the third, fourth, fifth, and sixth, to the Committee of Claims.

A Message was received from the PRESIDENT OF THE UNITED STATES, which was read, and is as follows, viz:

To the House of Representatives of the United States:

In compliance with a resolution of the House of Representatives of the 4th of February last, requesting to be informed what progress has been made in surveying certain parts of the coast of North Carolina, and in ascertaining the latitude and longitude of the extreme points of Cape Hatteras, Cape Lookout, and Cape Fear, according to a resolution of the 19th of January, 1819, I have to state, that it is intended to carry the resolution of the 19th of March into effect in the present year. The co-operation of the board of engineers with naval commissioners being necessary

H. OF R.

Appropriation Bills—Admission of Missouri.

MARCH, 1820.

in executing that duty, and the board having been engaged last year in surveying the eastern coast of our Union, it would have interfered with previous arrangements, and been attended with increased expense, had they withdrawn from it. The board will, however, be employed during the present Summer in the regular execution of its duties in the survey of the coast of North Carolina, when instructions will be given it to afford the necessary aid to carry the resolution of the 19th of January of the last year into effect.

JAMES MONROE.

MARCH 1, 1820.

The said Message was laid on the table.

Mr. STROTHER made an unsuccessful motion to take up the joint resolution now lying on the table, to authorize the publication of the secret journal of the old Congress.

The House next went into a Committee of the Whole (Mr. STORRS in the chair) on the bills for establishing United States courts in Maine and Alabama. The Committee got through the details of the first bill, and made some progress in the second, when the Committee rose, reported progress, and obtained leave to sit again.

A message from the Senate informed the House that the Senate have passed the bill from this House, entitled "An act to authorize the people of the Territory of Missouri to form a constitution and State government, and for the admission of such State into the Union, on an equal footing with the original States," with amendments; they have also passed a bill, entitled "An act for the relief of Frederick Goetz and Carl W. Westphal, and of the heirs of Abraham Neppes, deceased;" in which amendments and bill they ask the concurrence of this House.

APPROPRIATION BILLS.

Mr. SMITH, of Maryland, moved that the House should, by general consent, agree now to take up (out of its order) the Navy appropriation bill. This motion was lost.

Mr. S. moved to postpone the preceding orders of the day, for the purpose of taking up the said bill. This motion was agreed to; and the House then resolved itself into a Committee of the Whole on the appropriation bills.

Mr. RANDOLPH rose to object to this mode of getting at the consideration of important bills, out of their turn—of being taken by surprise—and to regret the change in the rules which permitted, by any motion, the taking up of bills, except on the day set for them. Money bills, of all others, ought not to be taken up without due notice; which was proper, to enable members to come prepared for their investigation. He would not allow any money bill to pass without strict examination. He would take the *ipse dixit* of no man, in passing between the people and appropriations even for the Navy, which had fought itself into favor. He, therefore, moved that the Committee now rise.

Mr. SMITH replied, that he had three days ago, in his place, given notice to the House that he should, as soon as the discussion of the Missouri bill had been brought to a close, move to take up the appropriation bills. He had moved now

to take them up, because the public service was suffering for the want of appropriations. He stated further, that, though it had never been the usage before, it had always been his practice, since he had been chairman of the Committee of Ways and Means, to give notice when he should call up appropriation bills.

Mr. CLAY (Speaker) explained the reasons for the change in the practice of the House, by which the orders were called regularly, as they followed on the docket of the House. He then expressed his hope that the Committee would rise; the Missouri bill, in fact, was not yet disposed of, and until it was, he, for one, was unwilling to go into any other important business. The bills before the Committee were those, on which the great question was to be decided, of how the deficit in the Treasury, whether by taxes, loans, or otherwise, was to be supplied. The House was not now in a moral condition for the consideration of such questions. He not only wished the Missouri bill to be first finally disposed of, but really he wanted a day's rest for the body as well as the mind, after the settlement of this agitating and laborious subject. He hoped, therefore, the Committee would rise, with an understanding that it would take up the appropriation bills on Monday.

Mr. SMITH said it would be very unwise in him to press the consideration of these bills, contrary to the wishes of the Committee; and he therefore acquiesced in the motion for the Committee to rise. Mr. S. took this occasion to say, that he hoped he was not considered under any necessity, from the situation which he occupied, of defending any measure or any appropriation. He considered himself here a member of the House, and would freely exercise his opinion on all subjects whatever.

The Committee then rose, and obtained leave to sit again.

THE MISSOURI BILL.

The message received from the Senate announced that they had passed the Missouri bill, with an amendment; which amendment was, in substance, to strike out the slavery restriction, and insert, in lieu thereof, the clause (Mr. THOMAS'S and Mr. STORRS'S original proposition) to exclude slavery from all the territory of the United States west of the Mississippi, north of 36° 30' north latitude, except within the proposed State of Missouri.

On motion of Mr. HOLMES, this message was laid on the table long enough to give him an opportunity to make a report from the committee of conference; which report is as follows:

Mr. HOLMES, from the managers appointed on the part of this House, to attend a conference with the managers appointed on the part of the Senate, upon the subject-matter of the disagreeing votes of the two Houses on the amendments proposed by the Senate to the bill of this House, entitled "An act providing for the admission of the State of Maine into the Union," made the following report:

1. That they recommend to the Senate to recede from their amendments to the said bill.
2. That they recommend to the two Houses to agree

MARCH, 1820.

Admission of Missouri.

H. OF R.

to strike out the fourth section of the bill from the House of Representatives, now pending in the Senate, entitled "An act to authorize the people of Missouri to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," the following proviso, in the following words: "And shall ordain and establish that there shall be neither slavery nor involuntary servitude, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: *Provided, always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any other State, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid: *Provided, nevertheless,* That the said provision shall not be construed to alter the condition or civil rights of any person now held to service or labor in the said Territory."

And that the following provision be added to the bill:

SEC. 8. *And be it further enacted,* That, in all that territory ceded by France to the United States, under the name of "Louisiana," which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes whereof the party shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided, always,* That any person escaping into the same, from whom labor or service is lawfully claimed in any other State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service, as aforesaid.

The report was read, and ordered to lie on the table.

Mr. BEECHER then moved to print the report.

This motion was opposed by Mr. LOWNDES, on the ground that it would imply a determination in the House to delay a decision of the subject to-day, which he had hoped the House was fully prepared for.

Some conversation passed on this motion between Mr. TAYLOR and Mr. LOWNDES, on the propriety of proceeding to act in this House, on the recommendation of the committee, before the Senate had given the pledge required of them of first adopting the report by receding from the amendments to the Maine bill, in which Mr. TAYLOR opposed such proceeding, and Mr. LOWNDES was in favor of it; inasmuch as it would be wrong to put in jeopardy a satisfactory settlement of this question, from an adherence to a mere point of etiquette and order; that the House could not fear that the Senate would adopt the recommendation to recede from their amendments, as the committee of conference was unanimous in their report, with the exception of one member from this House, (Mr. TAYLOR,) and became us further, as the disposition of the Senate to admit Maine could not be doubted, they would have no motive to adhere to their amendments if this House should adopt the report, &c.

A long debate took place on the question of printing, or rather on the question whether this House should act on the second and third propositions of the committee of conference, before the Senate

had acted on the first. Those against acting immediately, and in favor of the printing, were Messrs. TAYLOR, LIVERMORE, and WHITMAN; and those who opposed the printing, were Messrs. LOWNDES, HOLMES, KINSEY, STORRS, RANDOLPH, BROWN, STROTHER, CAMPBELL, and PARKER of Virginia.

The debate had continued about three hours, when Mr. BEECHER withdrew his motion.

The House then resumed the consideration of the amendments of the Senate to the Missouri bill.

The question was divided so as first to be taken on striking out the restriction.

Mr. LOWNDES spoke briefly in support of the compromise recommended by the committee of conference, and urged with great earnestness the propriety of a decision which would restore tranquillity to the country—which was demanded by every consideration of discretion, of moderation, of wisdom, and of virtue.

Mr. HOLMES followed in a short speech, nearly to the same effect.

Mr. ADAMS, of Massachusetts, spoke at some length in favor of the restriction, and against a compromise.

Mr. KINSEY, of New Jersey spoke as follows:

Mr. Speaker, a period has now arrived when it becomes necessary to close this protracted debate, and, as I shall vote for the compromise offered by the Senate, it is proper to state my reasons for so doing. We have arrived at an awful period in the history of our empire, when it behooves every member of this House now to pause and consider that on the next step we take depends the fate of unborn millions. I firmly believe that on the question now before us rests the highest interests of the whole human family. Now, sir, is to be tested, whether this grand and hitherto successful experiment of free government is to continue, or, after more than forty years enjoyment of the choicest blessings of Heaven under its administration, we are to break asunder on a dispute concerning the division of territory. Gentlemen of the majority have treated the idea of a disunion with ridicule; but, to my mind, it presents itself in all the horrid, gloomy features of reality; and when we unfold the volume of past ages, and, in the history of man, trace the rise and fall of governments, we find trifles, light as air compared to this, dissolving the most powerful confederacies, and overturning extensive empires. If we inquire what causes operated to destroy the Amphictyonic league or dissolve the German Confederacy, in almost every case, we find questions of territorial jurisdiction. And what, for past ages, has deluged Europe in blood? Disputes concerning territorial government. On questions of this high and mighty import, it behooves us to approach with the most awful considerations. What at this period is matter of conjecture, may, in a short time, become real history. It is not a question like that heretofore, in which a diversity of opinion commingled in the same society where a division of sentiment, on subjects political, spread itself over the whole Union; but, on this question, the States are almost equally divided. And what is the case now before

us? Opinions from which every gentleman, a few months past, would have recoiled back with horror, as treason to imagine, are now unhesitatingly threatened; that which had no ideal existence, engendering as this discussion progresses, assumes a positive shape, and, mixing with this unpropitious debate, presents itself in all the dreadful appearances of reality. May God, in mercy, inspire us with a conciliatory spirit, to disperse its fury and dispel its terrible consequences.

On this question, which for near six weeks has agitated and convulsed this House, I have voted with the majority. I voted the same at the last session. But I am convinced, should we persist to reject the olive branch now offered, the most disastrous consequences will follow. Those convictions are confirmed by that acerbity of expression arising from the most irritated feelings, wrought upon by what our Southern brethren conceive unkind, unjust, determined perseverance of the majority: and to those I now beg leave to address myself. Do our Southern brethren demand an equal division of this wide-spread, fertile region; this common property, purchased with the common funds of the nation? No; they have agreed to fix an irrevocable boundary, beyond which slavery shall never pass; thereby surrendering to the claims of humanity and the non-slaveholding States, to the enterprising agriculturist of the North, the Middle and Eastern States, nine-tenths of the country in question. In rejecting so reasonable a proposition, we must have strong and powerful reasons to justify our refusal; and notwithstanding you may plead your conscientious scruples, be it remembered you must shortly account to that august and stern tribunal—impartial history and the strict scrutiny of public opinion. Can you plead conscience in bar to such a compromise? If so, how reconcile votes you have, on similar questions, already given?

When Mississippi, at the last session, was received into the Union, your votes made slavery interminable. At the present session you have confirmed slavery forever, and by the constitutions of Alabama and Mississippi, rendered future Legislatures incapable of ever abolishing this greatest of human curses. (In those two votes, I sincerely thank God I had no participation.) On those occasions the eloquence of your orators was dumb. Where, then, was this overflowing of sympathetic philanthropy? Where, then, was this divine monitor? Was it asleep, or had its powers of reminiscence failed to operate? Where, then, were those chivalric champions who now fearlessly brave all consequences, after having in those two cases trampled on the rights of human nature, now boast of their superior humanity, their greater gifts of civilization and refinement? If you really do possess any of those characters, in a superior degree, you are in a tenfold ratio more culpable than our Southern brethren. You had no interest to lead you aside from the path of rectitude. If now the pure principles of humanity alone operate on your minds, in the rejecting the compromise now offered, where then were those vigilant sentinels, those guardians of the rights of man?

The bias of education was against you; public opinion in opposition; and yet, either heedlessly or willingly, you consented to the deed. Yes, you have assisted in enchaining, and, in perpetuity, rivetting the galling fetters of slavery on unborn generations of that unhappy people. Do not attempt to palter, to shuffle with your consciences, in a double sense. The rejecting this reasonable, this equitable compromise, will not cure your wounded conscience. It will not be blotted out; the waters of the Mississippi cannot obliterate the stain.

When called upon to assign a reason for rejecting it, can you plead principle in excuse? Conscientious scruples are not bounded by the Mississippi, or limited to the latitude of 36 degrees 30 minutes; when, agreeably to the observation of the gentleman from Virginia, (Mr. RANDOLPH,) it would require a clear day to ascertain its operation. I much fear, notwithstanding all your solemn asseverations, a scrutinizing public will assign other views, other motives; and what more probable than that unhallowed one of political ascendancy? And it is to be feared that a lurking ambition, the bane of all government, has had too great an influence in this debate. If so, it is time now to pause before we pass the Rubicon: to hesitate before it is too late to retract. In persisting in our restriction on Missouri, are we dealing to our brethren of the South the same measures we would be willing they should mete to us? When, with magnanimity unparalleled, they have conceded to us nine-tenths of this great common property, can we wish to deprive them of the remainder? And whilst gentlemen, on the part of the majority, arrogate to themselves a greater portion of moral refinement, it would be highly honorable to exhibit greater manifestations of liberality in sentiment. We perhaps have assumed too much to ourselves on the score of emancipation. Has that geographical line which divides the slave from the non-slaveholding States, originated in moral or physical causes, or in both? If from moral principles, its progress must continue to keep pace with the march of intellect, information, and the divine influence of religion. And those really pious and zealous advocates of abolition have much to console and congratulate themselves with for their strenuous and hallowed labors. When retrospecting but a few years, and slavery spread its deleterious influence over the whole of this Confederacy; when at present the better moiety is free. This has been effected, under Providence, by the mild and persevering influence of religion and reason, co-operating with natural and physical causes. In those States whose soil and climate are only calculated for the cultivation of the cereal grainæ, the agriculturist finds the labors of the slave unprofitable; it therefore became politic and necessary to do away an evil whose embarrassing effects must continually decrease, in place of adding to the resources of a State.

We here discover a combination of natural and moral causes operating to remove from our country this greatest of evils. And shall we hesitatingly doubt that Providence, having done so much in so short a period, will shorten his purposes in behalf

MARCH, 1820.

Admission of Missouri.

H. OF R.

of that unhappy race of men? We cannot; it would be impiety in the extreme, educated as I have been in opposition to slavery. For, "I would not hold a slave for all the gold that sinews, bought or sold, have ever earned." And could I believe the vote I am now about to give would add one more in number to that miserable unhappy race, I would rather perish than it should be uttered. Let us not deceive ourselves. I much doubt whether justice or humanity will be subserved by rejecting this compromise. It has been contended by gentlemen on this floor that slavery, so far from strengthening, has a tendency to weaken those Governments that admit it. Does our desire to circumscribe it wholly within its present limits manifest friendly or fraternal feelings? Has the language used in this debate been of that conciliatory character that tends to harmonize and strengthen the bonds of union? With pain I have heard language that harrows up the feelings of the soul; expressions hostile to the interest of a large portion of the members of this great community. From the North invidious comparisons have been drawn between the Northern and Southern sections, in that ever-memorable contest whose glorious results have bestowed on us the proud privileges of here legislating. Forever perish those odious recriminations! There was no well-fought field in which we have not stood shoulder to shoulder; no battle ground in which our blood has not mingled in common together.

In that great political strife which so long agitated the councils of the nation, and at times threatened to tear asunder the social compact, have our friends of the South ever deceived us? Have they not, at all times, supported the cause of republican principles? In our last war, commenced for aggressions on our maritime rights, States the least commercial were behind none in their patriotic devotion to their country. Kentucky poured forth her best blood at the River Raisin; she conquered at the Thames. The brave and gallant troops of Kentucky and Tennessee repelled the most powerful invasion of the enemy, and, by that victory, erected a trophy to their patriotism as durable as the stream of that great father of rivers; whilst others, the most commercial, shrunk ingloriously from the contest. In drawing the cordon of restriction around the present slaveholding States, are we not violating their rights, increasing their apprehensions, and weakening their moral force? This is not christian charity; it will not ameliorate the condition of the slave; it lightens no burdens; it soothes no pang of his agonized bosom. It appears more like putting in practice the abominable doctrines of Malthus, of reducing their numbers by curtailing their means of subsistence. As you weaken the powers of the master, you increase the infuriated passions of the slave. Fear is the parent of tyranny, and despotism originates from the apprehension of personal security. Having had the honor to be one of the committee of conference, I am convinced it is the only alternative; it is a conciliatory compromise, by which the non-slaveholding States gain much. By rescinding the restriction on Mis-

souri, slavery is abolished forever over a tract of country that is ten times as extensive. And, shall the march of emigration continue to progress westward as heretofore, that wide-spread region will, in a few years, teem with the most enterprising, industrious, intelligent population the world has ever witnessed. And, in yielding the question in the spirit of conciliatory reciprocity, to whom do we concede it but to our brethren? Should we now, numerically, carry the question, it will be a victory snatched from our brothers. Oh! it will be an inglorious triumph, gained at the hazard of the Union. Humanity shudders at the thought. National policy forbids it. It is an act at which no good man will rejoice, no friend of his country can approve. Sir, a number on the part of the majority have openly and repeatedly acknowledged the justness, the propriety, the necessity, of a compromise, and their willingness to adopt it. Should the question of Maine be separated from that of Missouri, they do not object to the principle, but to the manner of effecting their object. And shall we hesitate to effect so desirable an event merely from objections as to form?

And when we return to our constituents, and, with anxious solicitude, they inquire, what have you done for the distressed situation of agriculture? we must answer, nothing: the embarrassments of commerce? nothing: for our mouldering, sinking, ruined manufactures? nothing. The resources of the Government are lessening; the arm of national industry palsied; the whole body politic is seized with a paralysis. Refuse the compromise, and this arena of the national council becomes the theatre of discord. Hesitancy displaces mutual confidence; we doubt each others' motives; distrust each others' views. Objects adverse, produce opposing results; reciprocity of interest destroyed, fraternity of feeling perishes. I much fear, reject the present overture, and the moral cement of the body politic is dissolved; the ligaments of this powerful Confederacy are torn asunder, and this fair and promising experiment of free government, created by the wisdom, sacrifices, and patriotism of our fathers, once divided, a general disintegration ensues. An awful responsibility at this moment rests upon us.

Sir, I stand here as the representative of a State, every member of which is feelingly alive to every subject connected with the interests, the advancement, the consolidation of the Union. Our constituents have reposed in us their most important trusts; and, whatever may be the objects of a few, the great whole expects that we this day will do our duty; and shall we now betray that high confidence—smother the powerful convictions arising from existing circumstances, and shrink from responsibility? No, sir; I cannot, will not, desert what I conceive their highest interests, from the apprehensions of their disapprobation. Their suffrages have placed me in a situation to investigate causes and calculate effects; to trace through all its sinuosities, this, more than all others, most important question.

However my constituents may differ with me in opinion, such are the convictions on my mind,

H. OF R.

Admission of Missouri.

MARCH, 1820.

and confident I am, my God, my conscience, and my country, will approve the act. It is a portentous period, in which we ought to be ready to sacrifice our prejudices, our popularity, nay, life itself, on the altar of our country's good.

Mr. STEVENS, of Connecticut, said, Mr. Speaker, I am pleased to obtain the floor, a favor I have sought six weeks; but heretofore without success. The unpleasant result has been, I have been compelled reluctantly to record my vote in all the questions taken on the bill under consideration without the very common privilege of recording my reasons for giving such vote. It is perfectly easy to conceive the difficulty in which one is involved by such a train of adverse circumstances; we frequently wonder at an opinion expressed, and condemn the author; but on hearing the reasons for his opinion reverse our own;—whether this would have been my case if I had succeeded in getting a chance to explain my motives will never be known; because I did not obtain that opportunity.

In this question of compromise now to be decided, I am more fortunate, I now have the floor, and must avail myself of this first opportunity to state explicitly that I have listened with pain to the very long protracted debate that has been had on this unfortunate question; I call it unfortunate, sir, because it has drawn forth the worst passions of man in the course of the discussion. I have heard gentlemen, and I must in candor say gentlemen on both sides of the question, boast of sectional prowess, and of sectional achievements; and remind gentlemen from opposite sections of the Union, that they had not so fought and so conquered; or left such conclusion irresistibly to follow.

I want, and manifest public good requires, that the reverse of this language should be holden. Let each gentleman boast the valor of the inhabitants of an opposite section of the Union, then all get the praise due them, and in a way infinitely more acceptable to gentlemen of becoming modesty; and surely if any people ever merited all the praise that has been arrogated instead of being bestowed, the American people do. But it is not the inhabitants of any section of America that exclusively merit all their exalted praise; but the Union collectively. In casting my eye over the map of my country, I scarcely discover a spot on it but is rendered memorable as the birth place of some sage, hero, or philosopher; if these occur most frequently in Connecticut it is very well—if most frequently in some other State, very well; it is still my country. Shall I forego every joy of my life because the immortal WASHINGTON was not born in that State, of very circumscribed limits, in which I was born? Preposterous thought! He was born in America. That is enough for me. His glory reaches us, bottomed on merit, and scorns the proffered aid of mouldering marble to perpetuate it.

If the deadliest enemy this country has, or ever had, could dictate language the most likely to destroy your glory, prosperity, and happiness, would it not be precisely what has been so profusely used in this debate—sectional vaunting? Most undoubtedly it would. If the fell Spirit of Discord,

the prime mover of sedition and rebellion in the heavenly realms, should rack his hellish invention for the same malicious purpose, he would undoubtedly pull the cord of sectional prowess; he would magnify the valorous deeds of each particular State or party division, and distort or obliterate all the rest. The arch planner of the first sedition and rebellion must for ever despair of improving on the sad invention.

But, sir, gentlemen start at the mention—Why do this? You hold your seats by the tenure of compromise. The Constitution is a creature of compromise; it originated in a compromise; and has existed ever since by a perpetual extension and exercise of that principle; and must continue to do so, as long as it lasts.

When your Convention met for its formation, they immediately discovered that the general welfare, the object of their solicitude, could not be secured and perpetuated, without giving up something like particular rights; and this giving up of particular rights, to secure the great end and object of their meeting, was called a compromise.

What did they do? They debated some months, and then came to the obviously necessary result—compromise. It was plainly seen then as now that, to obtain the object sought, it was necessary to make some sacrifices and to assume some evils. They thus thought the good sought was worth the sacrifices necessary to obtain it; and now, after thirty years' successful experience, who dare arraign their wisdom or their patriotism? Rashness itself must forever remain dumb to this demand.

If gentlemen are in favor of any compromise, it is a fit time to discuss that subject, and see if any can be hit on that will give general satisfaction.

I am in favor of a compromise, but have strong objections to that now under consideration. I greatly fear it would tend to perpetuate the evil we seek to remedy. The south line of Pennsylvania State and the Ohio waters now form the boundary line between the two parties. If you continue that line by the 36° 30' of north latitude, to the Pacific ocean, I fear it will not prove a pacific measure. This would be to place on your records a perpetual rallying place for party.

It is devoutly to be wished that such compromise might be hit on as would forever put an end to the unhappy existence of parties in their present shape. I should prefer a prohibition of the admission of slaves, into that State, as a measure the most likely to effect that desirable object. The number already there is not so great now as to be a subject of any great uneasiness to those most opposed to the continuance of slavery.

Few gentlemen have risen in debate on this question, without deeply lamenting (and I think with great reason) the existence of parties, designated by geographical lines and boundaries. I also deprecate it, as being a division of the Union into parties so equal in number, wealth, intelligence, and extent of territory. Indeed, sir, there is no view of this unhappy division of our country, but must be sickening to the patriot, and in direct violation of the dictate of wisdom and the last,

MARCH, 1820.

Admission of Missouri.

H. OF R.

though not least, important advice of the father and friend of his country. He forbids the use of the words Northern and Southern, Atlantic and Western, as descriptive of the various parts of your country.

And will you forget so important an injunction, from that man, in so short a time? Was there no political wisdom in the command? If none, why has it been so long venerated? I should prefer a compromise forbidding the importation of any more slaves into the State of Missouri. This, I think, would allay party feelings, drive into forgetfulness present feuds, and satisfy my friends to the North and East, with whom I have acted, and delight to act. In common with them, I have an hereditary dislike to slavery, strengthened by a residence all my life, to the present time, in a country where it does not exist. I honor their dislike of slavery, and firmly believe there is not a gentleman in this House but deprecates its existence. Agreeing in this all-important point, let us not separate because we cannot think precisely alike of the means best calculated to eradicate it. Was it ever known that a body so numerous thought exactly alike throughout any one grand, all-important measure for public good, in all the detail? And is not the circumstance of a division in sentiment in so large a body, so equal in point of number, a thing that should lead both to suspect they may be wrong? Gentlemen who have much property of this sort, I agree, are deeply interested; but candor must at the same time admit they have, from the fact of being slaveholders, much practical and useful knowledge on this subject that cannot be claimed by non-slaveholders. And this knowledge is extremely useful, not to say indispensable, especially as to the extent of the evil to the slaves and to the community generally. This knowledge is indispensable when it is sought to effect emancipation, on terms the best calculated to insure infallible success, and to effect it in a way the least likely to hazard any destructive revolution that might, in unskilful hands, insure more evil than the good intended. If we admit slaveholders to have more knowledge on this subject, than, from the nature of the case, we can have, their voice in council should not be entirely unheeded.

But, sir, we have now arrived at a point at which every gentleman agrees something must be done. A precipice lies before us, at which perdition is inevitable. Gentlemen on both sides of this question, and in both Houses, in doors and out of doors, have evinced a determination that augurs ill of the high destinies of this country? And who does not tremble for the consequences?

I do not here speak of that feeling which results from an apprehension of personal danger. No, sir; I speak of that feeling which agitates the soul of every patriot when his country is in danger. I speak of that feeling, without a susceptibility of which a man is no ornament to any country. I wish not to be misunderstood, sir. I don't pretend to say that in just five calendar months your Union will be at an end; your Constitution destroyed; your proud trophies, won in the most valiant combat, profaned; glories of half a cen-

tury, gained by yourselves and your departed friends, and unequalled in the history of any country or people on the face of the earth, made the sport of an envying world; and all this in a sacrilegious contest, at the end of which no wise man would give a pea-straw for his choice on which side to be found, as the victors would have lost all, and the vanquished have nothing left to excite envy.

But, sir, I do say, and for the verity of the remark cite the lamentable history of our own time, that the result of a failure to compromise at this time, in the way now proposed, or in some other way satisfactory to both, would be to create ruthless hatred, irradicable jealousy, and a total forgetfulness of the ardor of patriotism, to which, as it has heretofore existed, we owe, under providence, more solid national glory and social happiness than ever before was possessed by any people, nation, kindred, or tongue, under Heaven.

However devoutly it is to be wished that men, under the keen anguish of disappointment and mortification, were wise, patriotic, moderate, and obedient to the laws, we have no reason to expect it. A very recent example of the base lengths of depravity to which men suffer their party madness to carry them, and at a time too when the country is in the deepest distress, will forever forbid us to cherish this vain hope. Not according entirely in sentiment with the proposed compromise, and with the hope of obtaining a better by a free communication of sentiment, (and when I say better I do not mean better for any particular part of the Union, but better for the whole,) I move that the House do now adjourn.

Mr. MERCER followed on the same side, with great earnestness; and had spoken about half an hour, when he was compelled by indisposition to resume his seat.

The previous question was then called; and the House having sustained the call by 103 votes, the main question was put on concurring with the Senate in striking out of the bill the slavery restriction on the State of Missouri, and decided in the affirmative—yeas 90, nays 87, as follows:

YEAS—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baldwin, Barbour, Bayly, Bloomfield, Brevard, Brown, Bryan, Burton, Burwell, Butler of Louisiana, Cannon, Cobb, Cocke, Crawford, Crowell, Culbreth, Culpeper, Cuthbert, Davidson, Earle, Eddy, Edwards of North Carolina, Erwin, Fisher, Floyd, Foot, Fullerton, Garnett, Hall of North Carolina, Hardin, Hill, Holmes, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Kinsey, Little, Lowndes, McCoy, McCreary, McLane of Delaware, McLean of Kentucky, Mason, Meigs, Mercer, Metcalf, Neale, Nelson of Virginia, Newton, Overstreet, Parker of Virginia, Pinckney, Pindall, Quarles, Randolph, Rankin, Reed, Rhea, Ringgold, Robertson, Settle, Shaw, Simkins, Slocumb, Smith of New Jersey, Smith of Maryland, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Stevens, Storrs, Strother, Swearingen, Terrell, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker of North Carolina, Warfield, Williams of Virginia, and Williams of North Carolina—90.

NAYS—Messrs. Adams, Allen of Massachusetts,

H. OF R.

Proceedings.

MARCH, 1820.

Allen of New York, Baker, Bateman, Beecher, Boden, Brush, Buffum, Butler of New Hampshire, Campbell, Clagett, Clark, Cook, Crafts, Cushman, Darlington, Dennison, Dewitt, Dickinson, Dowse, Edwards of Pennsylvania, Fay, Folger, Ford, Forrest, Fuller, Gross of N. York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Heister, Hostetter, Kendall, Kinsey, Lathrop, Lincoln, Linn, Livermore, Lyman, MacLay, Mallary, Marchand, Meech, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Nelson of Massachusetts, Parker of Massachusetts, Patterson, Phelps, Philson, Pitcher, Plumer, Rich, Richards, Richmond, Rogers, Ross, Russ, Sampson, Sergeant, Silsbee, Sloan, Southard, Street, Strong of Vermont, Strong of New York, Tarr, Taylor, Tomlinson, Tracy, Upham, Van Rensselaer, Wallace, Wendover, Whitman, Wood—87.

The question was then stated on the second amendment of the Senate, when—

Mr. TAYLOR moved to amend the amendment by striking out the words "thirty-six degrees thirty minutes north latitude," and inserting a line which would exclude slavery from all the territory west of the Mississippi, except Louisiana, Missouri, and Arkansas.

The previous question was again demanded, and again sustained by a majority of the House. The effect of the previous question being to exclude the question on the amendment, and to bring it back to the main question—

The main question was taken on concurring with the Senate in inserting in the bill, in lieu of the State restriction, the clause inhibiting slavery in the territory north of thirty-six degrees thirty minutes north latitude, and was decided in the affirmative—yeas 134, nays 42, as follows:

YEAS—Messrs. Allen of New York, Allen of Tennessee, Anderson, Archer of Maryland, Baker, Baldwin, Bateman, Bayly, Beecher, Bloomfield, Boden, Brevard, Brown, Brush, Bryan, Butler of New Hampshire, Campbell, Cannon, Case, Clagett, Clarke, Cooke, Cook, Crafts, Crawford, Crowell, Culbreth, Culpeper, Cushman, Cuthbert, Darlington, Davidson, Dennison, Dewitt, Dickinson, Dowse, Earle, Eddy, Edwards of Pennsylvania, Fay, Fisher, Floyd, Foot, Ford, Forrest, Fuller, Fullerton, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hardin, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Heister, Hill, Holmes, Hostetter, Kendall, Kent, Kinsey, Kinsley, Lathrop, Little, Lincoln, Linn, Livermore, Lowndes, Lyman, MacLay, McCreary, McLane of Delaware, McLean of Kentucky, Mallary, Marchand, Mason, Meigs, Mercer, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Nelson of Massachusetts, Nelson of Virginia, Parker of Massachusetts, Patterson, Philson, Pitcher, Plumer, Quarles, Rankin, Rich, Richards, Richmond, Ringgold, Robertson, Rogers, Ross, Russ, Sampson, Sergeant, Settle, Shaw, Silsbee, Sloan, Smith of N. Jersey, Smith of Maryland, Smith of North Carolina, Southard, Stevens, Storrs, Street, Strong of Vermont, Strong of New York, Strother, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Trimble, Tucker of South Carolina, Upham, Van Rensselaer, Wallace, Warfield, Wendover, Williams of North Carolina, and Wood—134.

NAYS—Messrs. Abbot, Adams, Alexander, Allen of Massachusetts, Archer of Virginia, Barbour, Buffum, Burton, Burwell, Butler of Louisiana, Cobb, Edwards

of North Carolina, Ervin, Folger, Garnett, Gross of New York, Hall of North Carolina, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, McCoy, Metcalf, Neale, Newton, Overstreet, Parker of Virginia, Pinckney, Pindall, Randolph, Reed, Rhea, Simkins, Slocumb, B. Smith of Virginia, A. Smyth of Virginia, Swearingen, Terrell, Tucker of Va., Tyler, Walker of North Carolina, and Williams of Virginia—42.

The amendment to the title to add the words "and to prohibit slavery in certain Territories," was then also concurred in. And so, all the amendments being concurred in, the bill was passed by the two Houses.

FRIDAY, March 3.

The Journal of the proceedings of the House on yesterday being read—

Mr. RANDOLPH rose and intimated an intention now to move the House to reconsider their vote of yesterday, by which they concurred with the Senate in striking the restriction from the Missouri bill.

The SPEAKER declared the motion out of order until the ordinary business of the morning, as prescribed by the rules of the House, should be disposed of. From which opinion of the Chair, Mr. RANDOLPH appealed.

The question being taken on the correctness of the decision, it was affirmed by the House.

The House then proceeded in receiving and referring petitions; when, petitions being called for from the members from Virginia—

Mr. RANDOLPH moved that the House retain in their possession the Missouri bill, until the period should arrive, when, according to rules of the House, a motion to reconsider the vote of yesterday on concurring in the first amendment proposed by the Senate to the bill aforesaid, should be in order.

The SPEAKER declared this motion out of order, for the reason assigned on the first application of Mr. RANDOLPH on this day.

Mr. ANDERSON, from the Committee on the Public Lands, made a report on the petition of James Shields, accompanied with a bill for his relief; which bill was read twice, and committed to a Committee of the Whole, to-morrow.

Mr. SERGEANT, from the Committee on the Judiciary, reported a bill to continue in force the act, entitled "An act to protect the commerce of the United States, and punish the crime of piracy;" which was read twice and committed to a Committee of the Whole to-morrow.

Mr. LIVERMORE, from the same committee, to which was referred the bill from the Senate, entitled "An act in addition to an act, entitled 'An act regulating the Post Office Establishment,'" reported the same without amendment; and it was ordered to be read a third time to-morrow.

A message from the Senate informed the House that the Senate ask a further conference upon the subject-matter of the disagreeing votes of the two Houses on the amendments proposed by the Senate to the bill of this House, entitled "An act providing for the admission of the State of Maine into the Union," to which they have appointed managers on their part.

MARCH, 1820.

Question of Privilege—Petition of Swiss Emigrants.

H. OF R.

The House took up, and proceeded to consider, the said message; whereupon, it was *resolved*, That this House do agree to the further conference asked by the Senate upon the subject-matter of the disagreeing votes on the amendments depending to the said bill.

Ordered, That Messrs. HOLMES, HILL, and TAYLOR, be appointed managers at the said conference on the part of this House.

Mr. HOLMES, from the managers on the part of this House to attend a further conference with the managers on the part of the Senate, on the disagreeing votes of the two Houses on the amendments depending to the bill, entitled "An act for the admission of the State of Maine into the Union," made a report; which was read, and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of Walter Channing," in which they ask the concurrence of this House. The Senate concur in the report of the last committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill, entitled "An act providing for the admission of the State of Maine into the Union," viz: That the Senate recede from the said amendments, and that the said bill be amended by striking out the word "next," and inserting, in lieu thereof, the words, "in the year one thousand eight hundred and twenty," in which amendment they ask the concurrence of this House.

The House took up, and proceeded to consider, the said message; whereupon—

Mr. RANDOLPH moved that the bill be indefinitely postponed, and proceeded at considerable length to offer his reasons for wishing to prevent its passage; when Mr. R. was called to order, by Mr. LIVERMORE, for deviating from the question under debate.

The SPEAKER decided that Mr. RANDOLPH was not out of order.

Mr. LIVERMORE appealed from the decision of the Chair, but before the question was put—

Mr. RANDOLPH withdrew his motion for the indefinite postponement of the bill.

The conference was then agreed to, and soon after Mr. HOLMES reported the amendment as above stated, which was agreed to by the House, and the bill was thus finally acted on.

The bill from the Senate entitled "An act for the relief of Walter Channing," was read twice, and referred to the Committee of Ways and Means.

The bill from the Senate, entitled "An act for the relief of Frederick Goetz and Carl W. Westphal, and the heirs of Abraham Neppes, deceased," was read twice, and referred to the Committee of Claims.

The engrossed bill, entitled "An act to authorize the President of the United States to appoint a receiver of public moneys, and a register of the land office, for the district of Laurence county, in the Territory of Arkansas," was read the third time and passed.

QUESTION OF PRIVILEGE.

Mr. RANDOLPH, being in the majority on that question, moved the House now to reconsider their

vote of yesterday, in which they concurred in the first amendment proposed by the Senate to the bill, which was to strike out the slavery restriction.

Mr. ARCHER, of Virginia, seconded the motion.

The SPEAKER, having ascertained the fact, stated to the House, that the proceedings of the House on that bill yesterday, had been communicated to the Senate, by the Clerk, and that the bill not being in possession of the House, the motion to reconsider could not be entertained.

Whereupon, Mr. RANDOLPH submitted the following resolution:

Resolved, That, in carrying the bill, entitled "An act to authorize the people of the Territory of Missouri to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," after a member from Virginia had given notice of his intention to move a reconsideration of the question decided last evening, in which the said member, viz. Mr. Randolph, voted in the majority on one of the amendments of the Senate thereto, the Clerk is guilty of a breach of the privileges of a member of this House under the rules thereof.

And the question being put whether the House would now consider the said resolution; it was decided in the negative—yeas 61, nays 71.

Mr. RANDOLPH then submitted the following proposition, which lies on the table.

"That so much of the thirty-seventh rule as allows a reconsideration of any question by motion of any member of the majority on such question, on the day succeeding that on which such question be taken, be expunged."

On motion of Mr. GROSS, of New York—

Ordered, That when the House adjourns, it will adjourn to meet again on Monday next.

PETITION OF SWISS EMIGRANTS.

Mr. ANDERSON, from the Committee on the Public Lands, made a report on the petition of Charles Henry du Pasquier, and others, Swiss emigrants in the United States; which was read, and the resolution therein contained was concurred in by the House. The report is as follows.

The Committee on the Public Lands, to whom was referred the petition of Charles Henry du Pasquier and others, praying, on behalf of themselves and other Swiss emigrants, that Congress would authorize them to purchase a tract of the public land, lying on the west side of the Mississippi, and between the 30th and 37th degrees of north latitude, sufficient for the settlement of three or four thousand families on terms more favorable than the general laws would permit, have had the same under consideration, and report that the question presented to the consideration of the House involves the expediency of selling the public lands to foreigners on terms more indulgent than those which regulate the sales to native citizens. This committee is very sensible, that the mildness of our Government, its wise and wholesome laws, have produced an emigration, which has gone far to increase the collective talents and industry of the country; some of our most distinguished citizens, as well as most industrious and ingenious mechanics, are among those who have made this country their own, by adoption. But it is thought, that, while we highly appreciate these benefits, we should not change the operation of the

general laws of our country to produce the effect. So long as the freedom of our institutions is preserved, and wholesome laws are permitted to have their ordinary effect, the inducements which have heretofore had their influence, will still be sufficiently strong to produce the desired emigration. It cannot be conceded that special provisions, excepting foreigners, however meritorious, from the operation of general laws, and giving them advantages which are denied to the citizens, can be founded in good policy. It is a peculiarity eminently honorable to our country, that the native of Europe possesses, in the acquisition of the soil here, the same advantages which an American citizen does; to give him more, would produce a distinction not only invidious, but most unjust. When the law is now equally open to both, it would be a perverted use of charity to give to the stranger a facility which we deny to the citizen.

It is probable that, during the present session of Congress, the mode of selling the public lands will be so far altered as to demand a cash payment of each purchaser. Every reason which could influence Congress to make that change, would forbid this committee from proposing to sell a large quantity on a credit still more distant than the present laws contemplate. If the public interests should be thought to require a system still more rigorous than the one which now prevails, and this too against petitions of a great number of your citizens, and the memorials of the legislatures of several of the Southern and Western States, it would indeed be an assumption of high responsibility on the part of this committee to recommend, in obedience to the prayer of the present petitioners, that indulgence to them, which the expected bill will deny to your own citizens.

The establishment of a community of foreigners within our country, secluded by their habits, manners, and language, from an intimate association with the great body of our citizens, cannot be an event so desirable as to justify a departure from the general law. An unrestrained intercourse with the body of the American yeomanry affords to the emigrant the best and probably the only means of acquiring an intimate knowledge of our laws and institutions; a knowledge which is not only necessary to give to him the full enjoyment of his situation, but is necessary to render him a valuable and safe citizen to the Commonwealth. It is believed that, if a large settlement was formed, exclusively of foreign families, to most of whom, our language would of course be unknown, many years would elapse before that general intercourse would take place, beyond the boundaries of their own community, which would be essential to give to them full possession of American principles and character; and it is by no means certain that time would in such cases ever have the effect of entirely destroying their foreign character. While, then, this committee rejoice in every opportunity of communicating the blessings of their country to their European brothers, they believe that it can be safely done, only when they enjoy them by indiscriminate association.

The petitioners have (many of them) been heretofore engaged in manufactures; and they rely for much of the support, which they expect to receive, upon the stock of manufacturing skill and industry which they promise to introduce. They have exhibited before the committee some beautiful and very satisfactory specimens of their ingenuity and skill, particularly in silk and cotton goods. Your committee felt the full

force of this appeal, and very frankly state, that, if any petition of a similar character can be acceptable to the House, this deserves to be so. Without referring to the known character of the Swiss peasantry, a settlement in the State of Indiana, of emigrants from Switzerland, gives strong evidence that a colony, established under the auspices of the present petitioners, would be characterized by industry and unoffending submission to the laws. They resist the application, however, on the grounds they have stated. The terms of sale held out by the present laws are of the most indulgent kind; and if the public interest should even justify a relaxation from them, it is confidently believed that it should be in favor of American citizens.

In answer to that part of the petition which declares that one of the principal objects is "the domestic manufacture of cotton, wool, flax, and silk," the committee will only say, that it may well be considered, how far it would comport with sound policy to give a premium for the introduction of manufacturers, at the moment when, by the almost unanimous declaration of our manufacturers, it is said they cannot live without further protection.

The committee therefore recommend to the House the following resolution:

Resolved, That the prayer of the petitioners ought not to be granted.

RULES OF THE HOUSE.

On the motion of Mr. LOWNDES, the House proceeded to consider the amendment offered by him on the 28th ultimo to the rules of the House—the amendment offered thereto by Mr. RANDOLPH, being still under consideration.

Mr. LOWNDES advocated his proposition, and opposed the amendment offered to it, at considerable length.

Mr. PINDALL, moved to refer the present propositions, together with his motion of the 1st ultimo concerning stenographers, &c., to the Committee of Elections, to consider and report thereon. This motion was lost.

Mr. RANDOLPH then moved the indefinite postponement of the whole subject.

On this motion a debate of nearly three hours continuance took place, in which the merits of the original proposition were chiefly discussed. Mr. RANDOLPH spoke an hour and a half against the proposition as submitted by Mr. LOWNDES. It was opposed by Messrs. JOHNSON, WARFIELD, and MEIGS, and was advocated by the mover, and by Messrs. WOOD, CLARKE, and SOUTHWARD.

The question on the postponement was negatived—yeas 70, nays 74.

Mr. RANDOLPH then, willing to let the original motion stand or fall on its own merits, withdrew his amendment.

After some further debate, in which Messrs. JOHNSON and BROWN opposed the proposition, and Messrs. COOK and BRUSH advocated it, the question was stated on agreeing to the motion, in the following words:

"And if any member shall not confine himself to the question under debate, and shall be called to order, if the decision of the Speaker of the House upon appeal, be against the member thus deviating from the

MARCH, 1820.

Proceedings.

H. OF R.

question, such member shall not be, at that time, permitted to proceed, without the special leave of the House."

And it was decided in the negative, by yeas and nays, as follows:

YEAS—Messrs. Adams, Allen of New York, Anderson, Baldwin, Bloomfield, Boden, Brush, Buffum, Campbell, Cannon, Case, Clark, Cocke, Cook, Crowell, Culpeper, Darlington, Dennison, Dewitt, Dickinson, Dowse, Edwards of Connecticut, Folger, Fuller, Gross of Pennsylvania, Hackley, Hall of New York, Hendricks, Hill, Hooks, Kendall, Kinsley, Lathrop, Linn, Livermore, Lowndes, Maclay, McCreary, Mallary, Mason, Meech, S. Moore, Monell, Overstreet, Parker of Massachusetts, Pitcher, Plumer, Rankin, Robertson, Rogers, Sergeant, Simkins, Sloan, Smith of New Jersey, Smith of North Carolina, Southard, Stevens, Tompkins, Upham, Wallace, Whitman, and Wood—63.

NAYS—Messrs. Abbot, Alexander, Archer of Maryland, Archer of Virginia, Barbour, Bayly, Brown, Bryan, Burton, Burwell, Butler of New Hampshire, Butler of Louisiana, Clagett, Cobb, Crafts, Cushman, Cuthbert, Davidson, Earle, Edwards of Pennsylvania, Edwards of North Carolina, Floyd, Ford, Forrester, Fullerton, Garnett, Guyon, Hall of North Carolina, Hardin, Hazard, Hemphill, Hibshman, Heister, Holmes, Hostetter, Johnson, Lincoln, Lyman, McCoy, McLane of Delaware, McLean of Kentucky, Marchand, Mercer, Metcalf, R. Moore, Morton, Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, Parker of Virginia, Patterson, Phelps, Philson, Pindall, Quarles, Randolph, Reed, Rhea, Richards, Richmond, Ringgold, Ross, Russ, Sampson, Settle, Shaw, Slocumb, B. Smith of Virginia, A. Smyth of Virginia, Storrs, Strong of Vermont, Strother, Swearingen, Tarr, Taylor, Terrell, Tomlinson, Tracy, Tucker of Virginia, Tucker of South Carolina, Tyler, Warfield, Wender, Williams of Virginia, and Williams of North Carolina—87.

MONDAY, March 6.

Mr. RHEA, from the Committee on Pensions and Revolutionary Claims, reported a bill to provide for continuing in force (without limit) the act to provide for persons disabled by known wounds received in the Revolutionary war. The bill also contains a provision requiring the agents for paying pensions to give bond in \$5,000 each, for the faithful performance of the duties enjoined upon them. It was proposed that this bill be forthwith ordered to be engrossed for a third reading; but that course was overruled, and the bill was referred to a Committee of the Whole.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to whom was recommitted the bill in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments, reported the same, with an amendment; which, together with the said bill, was committed to a Committee of the Whole to-morrow.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report on the petition of Joseph Bruce, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole to-morrow.

Mr. WILLIAMS, from the same committee, to which was referred the bill from the Senate, entitled "An act for the relief of Bowie and Kurtz, and others," made a report thereon, recommending that the said bill be postponed indefinitely.—Laid on the table.

Mr. Hooks, from the committee appointed on the subject, reported a bill for the relief of Ann McIntire, widow and administratrix of Andrew McIntire, deceased; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. SLOCUMB submitted a resolution, authorizing the President of the Senate and Speaker of the House of Representatives to close this session by adjournment of their respective Houses on the — day of — next. And, at the instance of the mover, the said resolution was ordered to lie on the table.

Mr. COCKE submitted for consideration the following resolution:

Resolved, That the Committee on Naval Affairs be instructed to inquire into the expediency of reducing the Naval Establishment of the United States.

Mr. COCKE made a few remarks, in the course of which he stated his object to be to effect a reduction of expense, by a reduction in the number of officers of the Navy, so as to proportion them more equally to the number of vessels in commission. It was to this point only that he wished to call the attention of the Naval Committee.

The House having agreed to consider the motion, by a vote of 67 to 63, it was then, on motion of Mr. LOWNDES, with the consent of the mover, ordered to lie on the table.

On motion of Mr. COCKE, it was then

Resolved, That the Secretary of War be directed to report to this House copies of all contracts which have been made for the building or repairing fortifications, arsenals, or magazines, since the year 1815; and also that he report the amount of moneys actually paid, to whom, and when, and whether public notice was actually given of said contracts, and what surety was given, in what amount, and whether the surety is still solvent; and whether the contracts have been faithfully performed.

On motion of Mr. MCCOY, the Committee on Private Land Claims were instructed to inquire into the expediency of providing, by law, for the location of unsatisfied warrants, (issued to the troops of the Virginia State line, for services during the Revolutionary war,) on some of the unappropriated lands of the United States.

On motion of Mr. RANKIN, the Committee on Commerce were instructed to inquire into the expediency of establishing a port of entry at the mouth of Pearl river, in the State of Mississippi.

Mr. PINDALL moved that the House do now proceed to consider the resolution submitted by him on the 1st of February last, proposing an amendment to the rules of the House, in relation to the admission of stenographers within the Hall. And, on the question, Will the House now proceed to consider the said resolution? it was determined in the negative.

Mr. BRUSH moved that the House do now proceed to consider the resolution submitted by him on the 23d ultimo, proposing an inquiry into the expediency of designating and marking the northern boundary of the State of Ohio. And, on the question, Will the House now proceed to consider the said resolution? it was determined in the negative.

The bill from the Senate, entitled "An act in addition to an act, entitled 'An act regulating the Post Office Establishment,'" was read the third time, and passed.

NAVY APPROPRIATIONS.

The House then resolved itself into a Committee of the Whole, on the bill making appropriations for the support of the Navy of the United States for the current year.

On this bill a rather interesting but desultory debate took place, which employed the time of the Committee till past four o'clock. The speakers were, in succession, Messrs. SMITH, of Maryland, JOHNSON, STORRS, CLAY, LOWNDES, TRIMBLE, MEIGS, FOOT, SILSBEE, COBB, and FULLER.

Towards the close of the debate, Mr. CLAY moved that "it be recommended to the House to recommit to the Committee of Ways and Means the bill entitled, &c., (the appropriation bill,) with instructions to prepare the same in reference to an occasional, instead of a permanent employment of the squadron in the Mediterranean."

After debate, this motion was negatived, and the Committee rose and reported the bill, with the following appropriations therein, viz:

For pay and subsistence of the officers, and pay of the seamen, \$989,320.

For provisions \$415,187.

For medicines, hospital stores, and all expenses on account of the sick, including the marine corps, \$36,000.

For repairs of vessels, \$484,000.

For contingent expenses, \$140,000.

For improvement of navy yards, docks, and wharves, pay of superintendents, store-keepers, clerks, and laborers, \$100,000.

For pay and subsistence of the marine corps, \$177,222.

For clothing the same, \$27,205.

For military stores, \$1,000.

For the contingent expenses of the same, \$20,000.

And, before considering the same, the House adjourned.

TUESDAY, March 7.

Mr. SILSBEE, from the Committee on Naval Affairs, who were instructed to inquire into the expediency of suspending, for a limited time, so much of the standing appropriation of \$1,000,000 for the increase of the Navy as may be consistent with the public service, &c., made a report, the purport of which is, that, after due inquiry, they believe that true economy and the best interests of the nation are opposed to a suspension, even for a limited time, of any portion of the sum annually appropriated for the gradual increase of the Navy; and that they have not been able to ascertain where any

essential reduction can be made in the expenses of the Navy, without reducing the establishment.

The report was ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, enclosing the information required by the resolution of the 20th of January last, of the amount of fines, penalties, and forfeitures, imposed, levied, and collected, in the District of Columbia, by order of the circuit court of the United States for said District, for each year, from the year 1801 to 1819; which was ordered to lie on the table.

The SPEAKER laid before the House another letter from the Secretary of the Treasury, transmitting statements showing the state of the Bank of the United States on the 25th of February, 1819, the 27th of May, and the 29th of November last, made in obedience to the resolution of the 2d instant; which was also ordered to lie on the table.

The SPEAKER laid before the House a report of the Secretary of War, on the petition of William Lawrence; which was read, and ordered to lie on the table.

On motion of Mr. WOODBRIDGE, the Committee on the Judiciary were instructed to inquire into the expediency of making provision for the more convenient execution of the laws within the Territory of Michigan.

On motion of Mr. ALLEN, of New York, the Committee of Commerce were instructed to inquire into the expediency of building a lighthouse at or near the mouth of Genesee river, on Lake Ontario.

Mr. PINDALL moved that the House do now proceed to consider the resolution submitted by him on the 1st of February last, proposing an amendment to the rules of the House in relation to the admission of stenographers within the Hall. And, on the question, Will the House now proceed to consider the said resolution? it was determined in the negative.

Mr. SLOCUMB moved that the House do now consider the joint resolution submitted by him yesterday, to fix a day for the termination of the present session of Congress. And, on the question, Will the House proceed to consider the said resolution? it was also determined in the negative.

A message from the Senate informed the House that the Senate have passed the bill from this House, entitled "An act to provide for taking the fourth census, or enumeration of the inhabitants of the United States, and for other purposes," with amendments.

The have also passed bills of the following titles, viz:

An act authorizing the Secretary of State to issue letters patent to Richard Wilcox; An act for the relief of Francis B. Languille; and An act for the relief of John Pellett; in which amendments and bills they ask the concurrence of this House.

NAVY APPROPRIATIONS.

The House then proceeded to the consideration of the report of the Committee of the Whole, on the bill making the annual appropriations for the support of the Navy.

MARCH, 1820.

Military Appropriations.

II. of R.

Mr. COBB moved to recommit the bill to the Committee of Ways and Means, with instructions so to amend it, as to reduce the appropriation for every branch of the service one-fourth.

This motion produced a debate, in the course of which it was supported by the mover, and Messrs. WARFIELD and CULPEPER, and opposed by Messrs. SMITH, of Maryland, SMITH, of North Carolina, TRIMBLE, JOHNSON, FOOT, HOLMES, WOOD, and LOWNDES.

Mr. JOHNSON, desirous to postpone this and the other appropriation bills until the amount of the deficit in the Treasury was ascertained, and the deficit supplied, moved to strike out the proposed instruction to the committee, so as to leave the question one of recommitment merely. This motion was negatived.

The question was then taken on Mr. COBB's motion, and negatived, 15 or 20 members only rising in favor of it.

The report of the Committee of the Whole was then agreed to, and the bill, as it stands, was ordered to be engrossed for a third reading.

WEDNESDAY, March 8.

Mr. CAMPBELL, from the same committee, to whom was referred the petition of Jeremiah and David Hunt, and Joseph Forman, made a report thereon, accompanied by a bill for the relief of the heirs of Abijah Hunt and William Gordon Forman; which bill was read twice, and committed to a Committee of the Whole.

Bills from the Senate of the following titles, to wit: 1. An act authorizing the Secretary of State to issue letters patent to Richard Wilcox; 2. An act for the relief of Francis B. Languille; and 3. An act for the relief of John Pellett; were severally read twice, and referred, the first to the Committee of the Whole to which is committed the bill of this House of the same title, and the two latter to the Committee of Claims.

The amendments proposed by the Senate to the bill, entitled "An act to provide for taking the fourth census or enumeration of the inhabitants of the United States, and for other purposes," were read, and concurred in by the House.

An engrossed bill, entitled "An act making appropriation for the support of the Navy of the United States for the year 1820," was read the third time, and passed.

MILITARY APPROPRIATIONS.

The House then resolved itself into a Committee of the Whole, on the bill making appropriations for the support of the Military Establishment of the United States.

[To the same Committee was to-day referred the bill "respecting the Military Establishment."]

The last mentioned bill was first taken up, and, having been read—

Mr. CANNON moved to strike out all the first section of the bill excepting the enacting clause, and in lieu thereof to insert the following:

"That the Military Peace Establishment of the United States shall consist of such proportions of artil-

lery, engineers, infantry and riflemen, as the President of the United States shall judge proper to retain in service, not exceeding in the whole, including officers, non-commissioned officers and privates, five thousand."

Mr. CANNON said, he had submitted this proposition to the consideration of the Committee, under the presumption that we would continue to enjoy the relations of peace and tranquillity with all nations with whom we had any kind of intercourse. This he had presumed from the silence of the Committee of Foreign Relations on the subject. He himself had, as yet, seen no probability of this country's being, in any short time, involved in war with any nation, although he had not inquired of the Committee of Foreign Relations to know what information they had, or what opinions they might entertain, as respected the relation of this country with any foreign Power. He said it might appear a little astonishing to the people of this country that, notwithstanding the vast revenue that had been brought into the public Treasury, from various sources, since the termination of the late war, to find that we are unable to meet the current demands against the Government; that such has been the extravagance of our public expenditures on this Military Establishment, as well as others equally as useless or unnecessary, that there now seems to be a deficit to the amount of five millions of dollars, and this too during a time when we are enjoying the most perfect peace and boasted prosperity. This seems to be admitted by all to be the situation in which we are now placed. We must borrow money or issue Treasury notes, either of which is an increase of the public debt, or lay taxes on the people, neither of which he was willing to do to keep up an army that was wholly unnecessary during a time of peace.

Sir said he, this state of things is what I have long since anticipated. It is what I knew must happen in consequence of the course of policy that has been pursued, and it was to avoid this state of things that he had advocated the reduction of the Army to five thousand, immediately after the return of peace. He said he then had the honor of a seat in the House, and it would be recollected by all those who were also members at the time he alluded to, that the reduction was then carried in the House of Representatives, down as low as the number he now proposed. The Senate, however, refused to reduce it lower than fifteen thousand, and that it was ultimately settled and left at ten thousand, by way of what is called a compromise between the two Houses. He said he had again felt it is his duty to make an effort to reduce the regular Army of the United States while a member of the Fourteenth Congress. Indeed, he had always been opposed to a large standing army in time of peace. He did not believe the regular Army could be called the main strength of the country, at any time. He hoped it never would be thought so by the people of this Government.

Sir, said he, I cannot believe that the reduction of the Army, in time of peace, is diminishing the strength of the Government; but, on the contrary, he believed it would increase its strength and in-

H. OF R.

Military Appropriations.

MARCH, 1820.

sure its permanency. This Government, he said, was formed by the people; it was made for the benefit of all, and not a few, who may obtain offices under it; and it is to the people composing the Government that you are to look in time of danger—to the militia of the States and of the United States; and, so long as you retain this Government in its original purity, just so long will it be supported and defended by the people; but whenever you abandon these principles the people will abandon you. Sir, you never can look to any other source for the protection and defence of this Government. You have looked to the people heretofore in times of war, or difficulty, and danger, and you never have looked to them in vain, and I venture nothing when I say you never will look to them in vain.

He said he would not inquire into the capacity of the country to support such an army as we now had, for that was not the proper inquiry to be made. He said the proper inquiry on this subject was, whether or not such an army was necessary for the good of the country in time of peace? Nor would he inquire what was to be the situation of those who were to be disbanded from the service in the event the reduction he proposed should be made. He went on the ground that the Government should retain no person in service, in any office, that was entirely unnecessary. When it became necessary the Government had a right to call into its service any individual, indeed every one, and none should be retained longer than their services were necessary. Because some of the officers of the Army would be left out of the public employment, and would be thrown into a worse situation than they now enjoy, is not an argument with me sufficient to retain this expensive and useless establishment. Had this reduction been made at the time he always thought it ought to have been made—on the return of peace—or even afterwards, when he himself had proposed it, we should have avoided the state of things that we are now compelled to meet—the resort to loans, Treasury notes, or taxes; neither of which he, for one, was willing to adopt. His course of policy, in times of peace, he said, was to retrench the expenditures until he brought them entirely within the means of the revenue of the country. This he would do, not only by reducing the Army, but there were other establishments also, on which he would retrench, and some of which he would abolish. He alluded to the Military Academy at West Point, in the State of New York, on which the Government had already expended millions of money for the benefit of a few favorites of the most wealthy of our country.

Mr. Chairman, we all know that an individual, a citizen, a planter, or farmer, of your country, who expends largely every year over and above the amount he really makes, is in the broad road to ruin and bankruptcy, and so it is with a government. I can perceive no difference, more especially during a time of peace and tranquillity, when, instead of running more and more in debt, as we have done, we ought to be endeavoring, as speedily as possible, to pay off the public debts

we have already incurred during a state of war. But, Mr. C. said while he entered his most solemn protest against the doctrine of standing armies, in time of peace, he would also beg leave to say, that he had entertained some doubts and fears respecting the course of policy we were pursuing in regard to our Navy. He had, he said, in common not only with the members of Congress, but also with the people of the whole United States, yielded to the impulse which had been given (and which, he believed, was yet in a great degree felt) by the many gallant and glorious achievements which had been acquired by that species of our force during the late war. So great was its influence at that time, that he believed there was not a single individual in Congress, and he knew of none anywhere else who raised their voice against a rapid increase of the Navy. He said he himself had given his voice most cordially in favor of the measure appropriating eight millions to the increase of the Navy, to be applied to its increase at the rate of one million each year. But, since then, he had often been led to doubt the policy of the course that he himself, as well as others, had pursued in regard to our Navy, which he believed, to a certain extent, would always be found useful to the country.

He said he most decidedly concurred with the honorable gentleman from Georgia, (Mr. COBB,) in some of the views he took while speaking on this subject yesterday; he feared we were increasing the establishment too rapidly. He thought it probably would have been better in the end, if the application of this eight millions to the increase of the navy had been more gradual. He said he was not now opposed to the amount that was appropriated; he was in favor of that sum at that time, and was yet; but he thought, if, instead of applying it in eight years, as was then determined on, it had been applied to the same object in twelve or sixteen years, it would have been better. He rather thought that five hundred thousand dollars a year would have been sufficient to keep pace with the wealth and population of our country. But, said he, in making these remarks, I must not be understood to be in the slightest degree opposed to this establishment, or to its increase in such way as is commensurate with the means of our country. This would be my course of policy. The other course which we have all been pursuing, is, I fear, to result in the most fatal consequences. Its rapid increase will soon bring it to that size which would make it burdensome to the nation, and a permanent system of taxation must then be resorted to in order to support it. This, he believed, would not be borne by the people very cheerfully in times of peace, however willing they are to bear any burdens in time of war. Nor, sir, said he, am I prepared to say that the people of the United States ought to submit to great burdens of taxation in times of peace, to keep up an overgrown and expensive establishment of any kind for defence in time of war. He thought the people of the United States ought to look to themselves, as their own defenders, and their country's defenders too, in time of war. He thought that any course of policy

MARCH, 1820.

Military Appropriations.

H. OF R.

that was calculated to draw the attention of the people to a regular standing army or a navy, as a force to be entirely relied on for defence in time of war, was a dangerous and unsafe policy, contrary to the very principles of our government, and ought never to be attempted to be held out to the people. The Government, he said, was formed for the benefit of the people; therefore, its preservation and defence must rest in their hands; and while he always admitted the utility of a navy, and even a regular army, as an auxiliary force, he never had viewed either, or both combined together, to be sufficient to be considered the main reliance for defence.

Sir, said he, my course of policy, as regards the regular army, is to retain in service as few as possible during a state of peace. Indeed, I believe we could do without any much better than we could with an overgrown, expensive establishment of this kind, notwithstanding I am willing to retain as much of the army as is necessary to occupy those forts and garrisons or fortifications, where our arms and munitions of war ought to be kept and taken care of. I myself am induced to believe that three thousand, properly distributed and properly kept employed, would be amply sufficient for this purpose. But I am, however, willing to retain five thousand, in order to conform to the views of other gentlemen, whose experience and information on this subject is much greater than my own; and I believe it is not in the power of any gentleman to show that a greater number than five thousand is at all necessary in time of peace.

Sir, said he, I cannot give in to the doctrine that we must keep up this regular army of ten thousand in time of peace, in order to acquire or keep up military science. I think it would be better, and a much more correct course of policy for us to pursue, if we undertake to teach military science, and to expend this enormous amount of money for that object, that we should expend it amongst the militia officers of the United States, where the science they might acquire at public expense would be diffused through the whole mass of the people, which cannot nor will not be the case by retaining your regular army. Heretofore the General Government has paid but little attention to the militia. Indeed, it may be said they have been almost entirely neglected: no moneys have been expended to teach them military science, nor will it be done, as I believe, so long as this regular army is made the peculiar favorite on which we determine to expend so much of the public money.

He said he did not like to see the growth of a regular army fostered and cherished by his country, in the manner it had been. He referred to the extent of that army in the year 1803, and compared it with what it is at this time, from which, he said, we might readily estimate its growth in time to come; for, said he, we may expect often to be threatened with wars, and sometimes to be actually involved in war with some of the various foreign Powers with whom we have intercourse; and, if every war is to leave this burden on us, of an increased regular army, to be supported in peace,

we may soon expect our Government to leave entirely its first principles, and become as expensive and oppressive as the Governments of Europe; and, rest assured, sir, said he, that, in the same proportion that you increase the burdens on the people, even though you may do it under the pretence of its being necessary for their good, or for their safety, in the same degree you will destroy that zealous attachment and devotion to the Government which has been so eminently displayed in many sections of the United States, during the late contest we have had with a foreign Power.

I lay it down as a correct principle, that that Government which secures to its citizens liberty and independence on the cheapest terms is the best, and always will be held in the highest estimation by the superior intelligence of the people of this country. It will always secure to itself the attachment of the people; and, however necessary government has been found, it is only good to a certain extent, and too much of it is worse than none.

Sir, said he, I very much regret to see so manifest a disposition in favor of a regular army. It was calculated, he feared to prevent any retrenchment on this establishment, also to prevent any thing being done to give arms or discipline to the militia, on which force he would always rely for the preservation of our Government. He did not wish to induce the people of the United States to look to any other force for defence or protection; he wished every man to consider himself the protector and defender of his country; for such, he believed, were some of the principles on which our Government had been formed, and such were the principles he wished to see cherished and preserved.

Mr. Chairman, said he, in deciding what ought to be the extent of the regular army in time of peace, I will not look at all to a state of war, because, in such a state of affairs, any regular army we could have would be entirely incompetent to the defence of the country, however much reliance might be placed on it. I am unwilling to rely on it myself, and I know the people of my country are unwilling to trust their liberty to any force of that description. They think it much safer to take the weapons of war into their own hands, when it becomes necessary, and become their own, as well as their country's defenders.

These, sir, said he, are some of the views which I entertain on this subject; and, fully aware of every feeling that would always be excited on a subject of its kind and importance, he said he had felt it his duty to submit the proposition to the consideration of the House, fully impressed with the most thorough conviction that the policy and interest of our country requires its adoption.

Mr. CLAY avowed himself to be in favor of reducing the Army, in preference to resorting to taxes, loans, or to an invasion of the Sinking Fund, to meet the expenses of the Government—if, on the report of the Committee of Foreign Relations, the attitude of the country should not be changed to that of war, or to that which menace war. Meanwhile, he was disposed not to act on the bill now before the Committee, but to defer it

H. OF R.

Military Appropriations.

MARCH, 1820.

for the present, for the purpose of acting on the military appropriation bill. If, after the report of the Committee on Foreign Relations should be made, it should be thought expedient to reduce the Army, the appropriations would shape themselves to what should be the actual force and condition of the Military Establishment. He therefore moved to lay this bill on the table, with a view to take up the appropriation bill.

The question was taken on this motion without debate, and decided in the affirmative.

The bill making appropriations for the support of the Military Establishment, for the current year, was then taken up.

On coming to the appropriation for the support of the Military Academy for the present year.

Mr. CANNON spoke at some length against this appropriation, on the ground of hostility to the institution itself; conceiving that the money levied by taxes on the people, and on the poor as well as the rich, could be better employed than on the gratuitous instruction of a privileged class of youth.

Mr. SMITH, of Maryland, remarked, that the arguments of the gentleman would well apply to a proposition to abolish this institution, but did not apply with any force to the question in hand, which was not the establishment of the Academy, but the appropriation of money to defray expenses already authorized by law.

Mr. CANNON was so little disposed to continue this establishment, that he was willing to arrest, or at least to reduce, the appropriation. But, in order to get at a proposition to reduce the expense of that establishment, or to abolish it, Mr. C. moved to lay this bill on the table.

After some observation from Mr. STROTHER in opposition to this motion, the question was taken thereon, and decided in the negative.

Mr. CANNON had proposed a sum less than that moved by the chairman of the Committee of Ways and Means for the support of the Military Academy. So that two questions were presented; the one on a certain sum necessary to the support of the academy as it now stands, and the other on a less sum. The question being taken, according to usage, on the largest amount, it was decided in the affirmative, by a large majority.

Mr. CANNON said, he had entertained some doubts on the policy of keeping up this institution at the public expense; that, in answer to a resolution which he had introduced in the early part of the session, some information had been received from the War Department, from which he had learnt that something like one hundred and fifty thousand dollars was necessary for this institution the present year; that it had been in existence about twenty years, during the whole of which time it had been supported out of the Treasury of the United States, and that it had already cost us some millions of money. This he said, had led him to make some further inquiry about this expensive establishment, which he had heard it said was of so much public utility; and, in order to ascertain more precisely the whole amount of what it had already cost, and also the extent of public good that had been derived from it, he had introduced a

second resolution, requiring of the Secretary of War that information which he thought necessary to enable him to form a more correct opinion respecting the benefits that had, or would probably in future, accrue to this nation, by continuing to support this institution. But here, he regretted to have to say, he had been stopped by the decision of the House, which had rejected the resolution, and thereby prevented any further information being obtained on the subject. But, Mr. Chairman, said he, I recollect that some time during the 14th Congress, an honorable gentleman from Louisiana (Mr. ROBERTSON) brought before this House a proposition, the object of which was, to have the orphans of those who had fallen in the defence of their country during the late war, educated at this Military Academy, in preference to any others. I recollect also that this proposition met my warmest approbation; and I well remember the large majority by which it was at the same time rejected, and the benefits still retained for the wealthy part of the community, who, I have no doubt, are at this time enjoying almost exclusively the benefits and advantages of this institution. Nor, sir, have I yet forgotten that, during the present session, a proposition was rejected, which I had submitted to the House, to obtain some further support and protection to the orphans and widows of those gallant men who have fallen in defence of their country during the late war. Thus, sir, you have turned your back on the helpless orphan of your country's defender, while at the same time you are voting thousands for the education of the sons of the most wealthy part of the community; men who are able to educate their sons anywhere, without the assistance of Government. Is this right, I ask? is it just? is it not aristocracy, of the rankest order? For my own part, I can call it nothing else. He said he had made some calculation, from the little information he was allowed to obtain on this subject, from which it would appear that about two thousand dollars is bestowed on each of the cadets, who are admitted to this academy, and receive an education, when you have only given the helpless orphan of the patriot, whose life has been sacrificed in his country's defence, about twenty or thirty dollars each, and have refused to give more, but have left them to perish in infancy, or be supported, as is the case in many instances in our country, by the people of their neighborhood. Sir, said he, what must be the feelings of the patriot, whose blood has flown in his country's cause, when he shall look back on this state of things? Is this agreeable to the principles on which this Government was founded? Is it agreeable to the principles on which any government ought ever to be founded? I think not, said he; on the contrary, I believe it is the duty of this Government to extend support to the orphan of the country's defender, until that orphan shall be able to provide its own means of support. He had thought the Government was for the weak, and not the strong, as seems now to be the case. I have asked, said he, in vain, to know what benefits have been derived by this Government from this expensive Military Academy.

MARCH 1820.

Military Appropriations.

H. OF R.

None have been able to point them out. If you intend to teach military science, it is here only confined to a few, "a privileged order," in our country, who never will, nor never have disseminated any of that science amongst the general mass of the people; and certainly it will not be pretended in this country that we are to confine the military science to such narrow limits; to give it to a few favorites, at the public expense, and refuse it to all others.

Sir, said Mr. C., I believe that our Government has been pursuing the wrong course upon this subject. The military science that has been taught at public expense, he said, ought, in his opinion, to be taught to the officers of the militia, from whom it would be imparted to the citizens generally, the soldiers on whom we must forever depend. This, he said, had never yet been attempted, nor did he believe it ever would be attempted, until this system of privileged military order, and military aristocracy, was pulled down, or put out of existence.

Sir, said he, when you are asked a pittance to support and educate a helpless infant orphan of him whose blood has crimsoned your fields of battle in defence of his country, your ears are deaf to the call, and it is regarded with indifference! But, sir, when thousands are called for, for this Military Academy, (for the benefit of the wealthy,) your sensibilities are awakened, and your feelings are alive to their interests; and numerous advocates are crowding into the debate, and even the emptiness of your Treasury is not an obstacle. What, sir! does this look like the principles of justice and equality? he thought not. He said, he did not intend to go into an inquiry about the manner in which this institution had been conducted, nor any irregularities and misconduct that has been so loudly complained of, and which had loaded our tables with such a mass of pamphlets? nor did he mean to make any reflection on any gentleman, who had heretofore, or might hereafter, obtain the education of his son, or sons, at this Military Academy at the public expense? nor did he mean any reflection on any of the cadets, or young men who had received an education there, or were now enjoying its benefits. He thought, so long as it is kept up at the expense of the Government, that it was fair, and not improper in any individual to enjoy its benefits who has it in his power to do so—for he knew very well, that it was out of the power of the poorest part of the people of our country to obtain any portion of its benefits, and that was one of the strong objections he felt to this institution. It was supported by the funds of the nation—drawn from public lands, and various other sources from which we derive revenue—these funds as much belonged to the poor as to the rich. But when placed in this Military Academy, the benefits cannot, have not, nor will they ever be equally shared between them, but must be obtained almost exclusively by the rich, who are entirely competent to educate their sons without this public assistance. Sir, said he, if this institution could be made a school for the education of the orphans of our country of

whom he had spoken, he would he willing to support it? But, instead of that, it is a system by which the poor are robbed, in order to add to the splendor of the rich. He had no doubt some of these cadets would go into the public service provided you make officers of them; but he believed but few would, under any circumstance, serve their country as soldiers. And keep this system up, and it leads to this, that the whole of the profitable or desirable appointments of our Army or Navy are to be taken from these highly favored young men, to the exclusion of all others, no matter what their qualifications may be. He considered such establishments of aristocracy dangerous to the liberties of the people, and the principles of the Government. But he was well aware of the situation any member of this House stood in, that attempts their destruction. He was aware of the growing disposition of the Government towards aristocracy, and was anxious to check it; he thought the sooner, the better. For, said he, if you retain this institution, and add one or two more of a similar character, it will be in vain to attempt to arrest the course of our Government towards aristocracy. It will become so, and perhaps something worse will follow.

Sir, said he, the honorable gentleman who is chairman of the Committee of Ways and Means, (Mr. SMITH, of Maryland) who reported the bill containing this appropriation, objects to the course I am taking, and says it is not the proper way to effect the object I have in view. Indeed, sir, I fear no course that can be taken by me to effect my object, will meet the approbation of that gentleman; for, sir, it is my object to abolish this Military Academy entirely, to prevent its being any longer kept up at public expense. And I had supposed, to withhold the appropriation, would have that effect, and in the event the House determined to refuse the appropriation, he would then take the other steps that would be necessary, after such decision was made. This, he said, was the object he had in view, and he had made the motion to strike out this appropriation, in order to ascertain the sense of the House on the subject. He hoped, therefore, that the Committee would now make the decision.

The Committee proceeded to the other items of appropriation.

The item of \$21,000 for bounties and premiums on enlistments of recruits to fill up the Army coming up—

Mr. WILLIAMS, of North Carolina, opposed this item, on the ground that there was no necessity for increasing the number of the Army beyond their present actual amount.

Mr. SMITH, of Maryland, supported the appropriation as being almost a matter of course, and generally on the ground that the Army ought not to be reduced at all; but, if reduced, that it ought to be by a direct vote.

Mr. TRIMBLE declared himself in favor of a reduction of the Army, but in a practicable way; and he thought that to attempt it in this way would but serve to weaken the efforts which should hereafter be made directly to effect the same object.

H. OF R.

Military Appropriations.

MARCH, 1820.

Mr. SLOCUMB was opposed to this appropriation; and, by way of showing how cautious the House ought to be in making its appropriations, said, that it appeared, from documents laid before the House, that powder and lead belonging to the Government had been loaned to bankrupts to the amount of \$240,000; the repayment of which the House is coolly informed, by the officer having charge of that branch of the service, was precarious; and, in order to mend the matter, that \$10,000 more had been advanced in money to the same persons.

Mr. COBB made a few remarks against the appropriation.

Mr. LIVERMORE delivered his sentiments in favor of a reduction of the Army. But, he said, though many were in favor of that reduction, there were also many who were opposed to it; and the only way in which the former could secure their object, was to reduce the appropriation. If the appropriations were made, the ground was given up. He was of opinion, therefore, that the friends of the reduction should make use of the weapons which lay in their way. He thought the Army too large, and uselessly employed. It would take longer to collect this army, which was scattered about like the sheep of the shepherd among many hills—to bring them from the Yellow Stone, and the remote corners of the earth—than to raise up a new army. He also complained of the magnitude of the Staff of the Army, as being disproportionate to its numbers.

Mr. BALDWIN made some remarks explanatory of the occasion for this appropriation.

Mr. Foor, with a view to present directly to the House the question of authorizing the enlistment of men to supply vacancies occurring in the ranks, moved to strike out from the bill all that relates to appropriations for recruiting expenses. His object was not to defeat that appropriation, but to postpone it until the proposition for the reduction of the Army should be decided in one way or other, that the main debate might not incidentally arise on this proposition.

Mr. SIMKINS said, that, although the bill relating to the Military Establishment had been postponed, at the instance of the Speaker, to await the report of the Committee of Foreign Relations on our Spanish affairs, that the proposition for the reduction of the army might come up and be met in a distinct shape, yet we find that the question of reducing the army is discussed in almost every clause of this bill. Indeed, on the appropriations for the support of the navy, the army was still the theme, however out of order such a discussion had been. I shall therefore meet some of the arguments urged by those who appear to be unfriendly to the army, and show some reasons why it should not be reduced.

It is no new doctrine, Mr. Chairman, that economy is laudable in any Government, and particularly in a Republic—that a corruption of your officers first, and finally a demoralization of the great body of the people, would be the result of an extravagant and wasteful expenditure of the public money. Hence, it is proper, on any advance towards this state of things, to retrench, curtail, and

exact to the last cent: guard your appropriations, and, when the money is voted, impose the most rigid responsibility on your officers for its disbursement. But, remember, when you do this, spare the permanent land and naval defences of the country. Touch not these, which are the surest guarantee for your wealth, peace and safety.

Mr. Chairman, the high tone for economy, and the zealous spirit for retrenchment, now pervading this House, most forcibly reminds me of the weakest point of our Government. It is that of disturbing, weakening, and finally destroying the valuable institutions of the Republic, under the specious, and often deceptive, cry of economy, on the recurrence of every exigency in your Treasury, every embarrassment in your fiscal concerns.

Hence it is, that when you emerge from a war, (as you have done not long since,) and are smarting under the wounds inflicted by a want of due preparation and provident defence, you vote an increase of your navy, and a due organization of, and improvement in your army, and the fortification of all our exposed points. This you then intend as a permanent system, to be increased and perfected with your increasing numbers, wealth, and foreign relations. The system goes on well enough whilst you have a full Treasury. Indeed, sums may then be voted which are not only sufficient for your purposes, but which, all things considered, may even savor of extravagance. But, sir, fluctuations in prosperity and wealth are the lot of all nations; and now, when our agriculture and commerce do not so much prosper, and the Treasury is not so full—when borrowing or taxes may be the consequences, we become alarmed; economy and retrenchment take so deep a hold on our feelings, and the tide becomes so strong and overwhelming, that nothing can resist it. Your navy, your army, your fortifications, and other means of permanent defence, are likely to be swept away. And I do very much question, Mr. Chairman, whether, in five or ten years, you will have a vestige of your army left, should your Treasury present the aspect which to many now seems so appalling. This, I say, emphatically, is the weakest point of your Government. In proportion as you are distant from war, you gradually lose sight of its terrors and desolation; you slide into a defenceless state, preaching up the odium against standing armies, against large expenditures, the terrors of taxing the people, and all the other frightful pictures which make us quake for our popularity.

But is this true economy? It is with pain I feel compelled to resort to scenes so recent as the late war, and which should be strong in the mind of every member. I am no adept at calculation, but I do believe that the interest of the money spent, (to say nothing of the lives sacrificed,) for the first two years of our last struggle, by reason of a want of due defence and preparation, would support your army in its present extent. Still the doctrine is, *reduce, knock down the army*, because we are too poor to support it, and try the experiment again.

Mr. Chairman, you know it is hard, if not im-

MARCH, 1820.

Military Appropriations.

H. OF R.

possible, to lay taxes and prepare for war, when you are in a defenceless state. Your taxes render you so unpopular before you declare war, that you cannot, or dare not, do it. Is it not then best, cheapest, most wise, to keep as well prepared for such an event as possible? Is it not wisest to appreciate the maxim of the Father of his Country, that the most certain and effectual way of avoiding war is to prepare for it in time of peace.

What is our situation in regard to foreign Powers? Are your relations with Spain certain, settled, or pacific? Are you sure of maintaining any thing like a durable peace with your great rival in commerce, trade, and naval supremacy? Have you not been told, from the most unquestionable authority, that that nation is building large numbers of new ships, on improved plans, for the very purpose of meeting yours? Do you not know that she is increasing her munitions of war, and improving her military strength? Can you be insensible that every movement of yours is watched; that your fortifications, your whole coast, and the state of your army, are regularly made known to her; and, above all, do you not know that she will strike you when you are weakest, most embarrassed, and most off your guard? Can you be insensible that the reduction of your army, and other means of defence, invites the blow?

The state of our Treasury, I well know, demands economy, and I am ready as any one to pursue it. But is it really so lamentable, so beggarly, as to lead us to jeopardize the valuable institutions of your country? Your Treasurer reports a deficiency of five millions; and is this so alarming as gentlemen represent? It is said the Sinking Fund cannot be touched. I would not meddle with it if any breach of the public faith is to be the consequence. This, however, is not demonstrated by any reasoning which I have heard. You cannot, previously to the year 1824, use it to purchase in the public debt, unless your stock is under par; an event altogether improbable, unless a war intervenes. Will you then let it lie idle in your Treasury, without yielding a cent of interest, till it accumulates to \$22,000,000? I cannot see the indispensable policy of this course.

If, then, you appropriate the balance of that fund for this year—for, let it be remembered that a part of it has already been used, however sacred—it will amount to about - - - \$1,600,000

Modify your pension law, which will give you at least - - - 1,500,000

And appropriate the sum reported by the Committee of Ways and Means, which makes a saving from the annual estimate of the War Department, of about - - - 2,600,000

And you have - - - \$5,700,000

But, suppose this not to be correct, and nothing whatever saved by this means, will you weaken and destroy the permanent defence of your country, rather than borrow money or lay taxes? Sir, I am not so alarmed at the responsibility of taxation as some gentlemen from almost all sides of the House. I would lay taxes rather than encoun-

ter a greater evil. Neither do I believe the state of the country so distressing and impoverished as gentlemen have represented. We have, to be sure, with all other nations, our fluctuations from a greater to a less degree of prosperity. But who can with truth say, that this nation is poor? It is admitted that in many parts of the country the times are a little hard; the pressure greater than usual; but is this a reason for abolishing the great national system of defence settled four or five years ago, after the most mature deliberation, upon the most perfect information and estimates, and guided by the wisest counsels—the counsels of age and dear-bought experience?

But, gentlemen say, standing armies are dangerous; rely on the militia. Can a single gentleman in this House believe that ten millions of enlightened freemen are endangered by an army of ten thousand men, divided at eighty-five posts, and spread over a space of several thousand miles? I will not discuss the proposition.

And can gentlemen be more correct when they speak of relying on the militia, in the first onset of a war, and before they have had time for discipline or camp duty? Every body must know the disorganized, unregulated state of the great body of the militia in the Middle and Southern States. Congress is charged by the Constitution with the defence and protection of the country. They have utterly failed to establish any uniform system, so as to render the militia really efficient; so as to do away the necessity of regular troops; and yet they are for reducing and destroying the Army.

We are, however, told, that it is not intended to destroy the Army, only to reduce it. Sir, by reducing it, you will destroy it. You destroy its permanency and respectability, by making it uncertain how long you will keep it up; by discussing the propriety of its existence every session of this body; by rendering the tenure by which officers hold their offices, utterly uncertain. Who will spend a laborious life in gaining military knowledge? Who will give up domestic ease and happiness? Who will forsake lucrative employments, to drill, discipline, and perfect your army, for offices, the very existence of which is jeopardized every year?

It has been intimated, that your soldiers have nothing to do but sit in garrisons and rub bright their muskets. Sir, this is not the fact. The camp of your army will not be a seat of idleness and corruption, if it is properly organized and judiciously attended to; and is it not true, that your soldiers are already employed in constructing valuable roads; in raising provisions for their support, by which they are not only preserved from idleness and dissipation, but their own pecuniary emolument advanced? Has not an entirely new and valuable system been introduced, and in a most gratifying progress of execution?

Sir, your Army in 1817, cost	-	5,133,994
In 1818	-	3,613,803
In 1819	-	3,344,616

And in 1820, if the appropriations reported by the Committee of Ways and Means are voted, its

H. OF R.

Military Appropriations.

MARCH, 1820.

cost will be reduced several hundred thousand dollars.

From the most accurate estimate which can now be made, the expenses for 1821 and 1822 will still be diminished. Will you then destroy your army rather than touch five millions of your sinking fund, which will probably lie idle?

Will you hazard its existence rather than modify your enormous pension list, by which the reward given to your really meritorious Revolutionary soldiers will still not be taken away; and many abuses corrected?

Rather than even borrow money or lay taxes—events not conceived to be necessary—

Will you impair its natural energy because it costs you less and less every year?

Because your soldiers are employed in improving your military frontier, advancing their own pecuniary interest, and saving themselves from idleness and ruin?

Because your numbers, wealth, extent of country, and number of posts rendered necessary for protection, are continually increasing?

Because the state of your militia is so efficient and flattering?

Because there already exists too much military skill and science? And, above all, will you reduce and weaken your army because you have no foreign enemies, no political and commercial rivals, who are watching your military movements, and who will strike you at your weakest and most unwary moment?

Sir, I see a strong disposition to reduce, and to gauge your national defence, by the supposed strength of your Treasury. I have raised my voice against such a course of policy, not only as most extravagant in the end, but as ruinous and destructive of the best interest of the country; be the result what it may, I shall be consoled by having done my duty.

Mr. RHEA said a few words in defence of the militia, as compared with the regular force.

Mr. SIMKINS disclaimed any intention to depreciate the militia.

Mr. CLAY said a few words expressive of his hope that this bill would be permitted to take its course. These broken efforts, he said, of the friends of a reduction of the Army, would have the effect to weaken their strength. For himself, he could not vote to reduce a man of the Army in the present posture of our affairs. Even if the Army were to be reduced, he did not know that he should vote against this item of appropriation, as it might yet be necessary to have such an appropriation, let the force of the Army be greater or less. In relation to all expenditures already authorized by law, he thought the House should go on and make the appropriations. In relation to the items of appropriation not previously authorized by law, such as that for fortifications, &c., the House was at full liberty to use a discretion.

Mr. CANNON said he could not yield to the suggestions of the honorable Speaker, (Mr. CLAY, who seemed to think he was not pursuing the best course to effect his object; but who, he said, he was glad to find, was also in favor of retrenching

the expenditures of the Government; for, he said, he had no fears of "wasting our strength." He said he knew that some objections would be found by some of the advocates of retrenchment to any course that would probably be proposed; but, for his own part, he thought the course he was pursuing was such as the situation of the country required, and was, indeed, the only one that could effect the object that they had in view. He said he had listened with some degree of attention to the arguments of several gentlemen who had spoken in favor of this appropriation for the recruiting service the present year, but, he said they had all fallen very far short of convincing him that it was really necessary, in these times of profound peace and tranquillity, to appropriate this large sum of \$21,000 for the recruiting service the present year. Sir, said he, the gentlemen must first show that these recruits are necessary for the good and safety of the country before I can yield my assent to the measure. This, he said, they had not undertaken to show, nor did he believe it possible for the advocates of a standing army to do so, notwithstanding the ingenuity they possessed and had shown in this debate. He said they had not shown that the present number in the Army was necessary in time of peace; and he thought it would puzzle them a good deal to show that a Military Establishment, to the amount he had proposed to reduce it to, (five thousand,) was indispensably necessary to this Government in time of peace; and he thought, on the subject of a standing army, no more should ever be kept up, in time of peace, than was indispensable to the security of the public arms and munitions of war, or to take care of the public property of this kind. Sir, said he, the honorable gentleman who is chairman of the Committee of Ways and Means (Mr. SMITH, of Maryland,) had contended that this appropriation was necessary to keep the Army full, in order to supply all the forts and garrisons in the United States with men. He said he knew that we had a great many forts and garrisons, and he knew, also, that it would not be difficult for the President and Secretary of War to increase them to double the number we now have, and to continue increasing them, until a regular standing army of twenty thousand would be necessary to supply these forts and garrisons with men; and it would then be contended that all this was necessary for the good and safety of the country. But, sir, said he, I do not believe that it is necessary, in time of profound peace, to keep up more than one-half of the forts and garrisons we now have. They had been necessary, he had no doubt, in time of war, but thought it could not be shown that they were all necessary now; although he was willing to admit that we ought to keep up some of them, where it would be convenient and proper to keep our arms and other munitions of war, with a sufficient number of men in each to take good care of those arms and other public property. This, he thought, was all that could be said to be really indispensably necessary to be kept up and retained in service during a state of peace; and, said he, we must suppose that we are in no immediate danger of being involved in

MARCH, 1820.

Military Appropriations.

H. of R.

war with any nation on earth, when we look at the documents which have been drawn from the War Department on the subject of the vast loans of ammunition that have been made, (whether by authority, or not, he did not know.) But we are told that the officers of our Government, the agents of the War Department, have loaned an enormous amount of our powder and lead, and, also, that the Government will lose many thousands of dollars by this novel transaction; that such has been the anxiety of our officers of Government to get rid of this part of our munitions of war, that they have loaned to persons (to speculate on) that are unable to pay it again, and probably never will be able. This conduct, he said, did not warn us that we were about to be involved in war, nor that there was the least probability of such a state of things taking place.

But, sir, said he, I have risen, in part, for the purpose of noticing some of the remarks of the gentleman from South Carolina, (Mr. SIMKINS.) That gentleman seems to entertain great fears that the spirit for economy and retrenchment will destroy the "valuable institutions of our Republic." Sir, said Mr. C., my fears are of a different kind to those which have been expressed by that gentleman. I fear the destruction of the principles of our Government by its course of extravagance and folly. He is alarmed with fears of the destruction of the Army; I am alarmed to see its nourishment and growth. But, sir, could I believe that the safety of our country depended on this regular army, or that it really was what the gentleman seems to believe it to be, the "permanent defence" of our country, I might, indeed, be also in favor of retaining and increasing it. But, sir, I have been taught to believe differently; my political opinions have been drawn from entirely a different source from that of the honorable gentleman. Indeed, he said, he felt astonished to hear such doctrines advanced by that gentleman—the doctrine of large standing armies in time of peace was abhorrent to his most deliberate judgment, and it was the first time he had heard such opinions advanced on that floor, and he hoped such opinions never would be entertained by a majority of the House. Sir, said he, I had always thought that the people of this country, the militia, was the most safe and permanent defence. I always understood this to be the doctrine of him who has been called the Father of his Country. It is the doctrine of the Constitution, and, therefore, is my doctrine.

Sir, I should entertain no such fears as the gentleman from South Carolina does, even should no vestige of a standing army be left. I know, sir, that the people, the citizens of our Government, will defend it, will preserve it, as long as we preserve them from the pressure of unnecessary taxes and burdens. But, to support and maintain large standing armies in time of peace, is not my way to prepare for war. I would take a more safe course, and one more congenial to the principles of our Government; to arm and discipline our citizens, for I am unwilling to trust the safety and preservation of my Government with any regular

army that can be supported; but he said he would not repeat more of the opinions and doctrines he had before advanced on this subject: the increase of the regular army in time of peace is diminishing the strength of the nation, instead of adding to its safety. But, said he, the gentleman from South Carolina (Mr. SIMKINS) has spoken of the inefficiency of the militia in the Middle and Southern, or Western States. Sir, said he, while I admit that Congress has heretofore, in my opinion, failed or neglected to do its duty towards the militia, I must say that I believe this will continue to be the case as long as we keep up and rely on a standing army. It has been made the favorite, while the other species of force has been, and no doubt will continue to be, neglected. I at the same time most decidedly differ with the gentleman in the opinion he entertains of the inefficiency of the militia of the Southern and Western States. In cases of sudden emergency, or any other cases where they have been required to act during the late war, sir, said he, the reverse is found to be the fact. It has proved to be the most prompt and efficient force in many instances. Look, said he, for a moment at what took place in the State he had the honor in part to represent. On the news of the massacre at Fort Mims, during the late war, being received and made known through the medium of the newspapers, to the people, the citizens equipped and furnished themselves, formed and organized themselves into volunteer companies of mounted riflemen throughout the various sections of the State, without any orders or request from the Governor or the commanding General. Fourteen companies voluntarily precipitated themselves into the enemy's country, with a determination to inflict chastisement on these savages for their horrid deeds; they were followed by the commanding General, with other volunteer and militia forces, called out, with whom they co-operated, and, notwithstanding the regular troops that were stationed in the same country where these troops went from, many battles were fought and complete victory obtained, before the regular forces of the United States could reach the field of action.

Sir, said he, there are many other instances where their superiority has been shown. New Orleans could bear testimony of another, sufficient to show the correctness of my opinions. It is the feelings of men or armies that makes them encounter difficulties and dangers, and it is the attachment of the people to the Government, will make them always defend it. Sir, said he, I will not adopt the doctrine that you must retain these officers of the regular army in service in time of peace, because you may want them in time of war. In time of war, all are subject to be called to the defence of the country; every citizen has to leave his home and every thing near and dear to him; he has the greatest sacrifice to make, and I cannot presume that these officers possess so much less patriotism, as to suppose they would refuse again to enter your service, whenever the situation of the country required it.

Sir, said he, the gentleman from South Caro-

H. OF R.

Proceedings.

MARCH, 1820.

lina has made an allusion to the dread of laying taxes, which he supposes to be felt by the advocates of retrenchment. This he thought scarcely worthy of a reply; for his own part, he did not feel it to be necessary, as the course he had pursued while a member of the House during the late war, would show that he did not fear to encounter that responsibility, whenever the situation of our country might require it. He said he did not believe the situation of our country at this time to be such as to require laying taxes, but he thought it did require retrenchment, so as to reduce our expenditures to the amount of our revenue at least, and he would prefer being a little under that amount, than to permit them to remain so far beyond the extent of our present resources as they were. This, he said, was the course he had determined to pursue, and he should persist in it until he could be convinced of his error; he would oppose every appropriation which he believed to be unnecessary, or subversive of the true interest and prosperity of his country.

Mr. WILLIAMS, of North Carolina, also again spoke to the same effect as Mr. C. at some length, and concluded by a motion that the Committee rise, with the express view of laying this bill on the table, in order to take up the proposition to reduce the Army.

The question on this motion was decided in the negative, by no large majority.

The question on Mr. FOOT's motion was then decided in the negative by a decided majority; and the item of appropriation for bounties, &c., for the recruiting service, was agreed to.

The other appropriations in the bill were then agreed to, until the House came to the appropriation for fortifications; for which object the Committee of Ways and Means propose the sum of eight hundred thousand dollars.

Mr. SMITH, of Maryland, moved to fill the blank with the sum of eight hundred thousand dollars, being the sum which the Committee of Ways and Means had thought it proper to recommend. A larger sum had been estimated to be necessary by the War Department, but the Committee had thought this would be sufficient, particularly after deducting the sum estimated for the fortification at Dauphin Island, the prosecution of which, in the opinion of the Committee of Ways and Means, was not important. Mr. S. entered into a variety of statements of the estimated cost of the various fortifications now erecting, and of the contracts already made, to show that this sum was necessary, and would be sufficient.

Mr. BALDWIN was desirous of knowing, if the appropriation was limited to the sum of eight hundred thousand dollars, what was to be done with the contracts which had been made, and under which a larger sum would be necessary. Unless it could be shown, that contracts made by the Executive are not binding on the Government, he should be in favor of filling the blank with the sum estimated by the proper authority to be necessary. To bring this question fairly before the House, he moved to fill the blank with that

sum, viz.: one million five hundred and twenty thousand dollars.

Mr. CLAY did not concur, he said, in the idea that any contract made by an officer of the Government was binding on Congress. If contracts were made, for example, for the erection of fortifications where they were not wanted, was the Government bound to execute the work? Certainly not. They might take back the contract, paying the other party all damages and cost he may have sustained by the annulment of the contract. So far from enlarging the appropriation, he would rather diminish it. The better way, he thought, would be to fill up the blank with four or five hundred thousand dollars; if, in the course of the session, the state of the Treasury, or the aspect of the times, should justify the appropriation of a larger sum, a supplemental appropriation might be made. The contractors, he said, gentlemen might rely on it, would not throw up their contracts because a less amount was allowed to be expended within a given period. They would be content with half a million of dollars. Let us, said Mr. C., hold on to the purse-strings until we get further into the session, and see what is to be done in respect to the ways and means.

Mr. WILLIAMS, of North Carolina, said that he, for one, did not acknowledge the right of the Executive officers to make contracts which would anticipate the revenue, and paralyze the operations of the Government. They had a right, he admitted, to make contracts under appropriations actually made by Congress, but to no greater amount.

A motion was made for the Committee to rise, (about four o'clock,) and agreed to.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

I transmit to Congress a report from the Secretary of the Treasury, which, with accompanying documents, will show that the act of the 20th of May, 1812, respecting the northern and western boundaries of the State of Ohio, has been executed.

JAMES MONROE.

WASHINGTON, March 8, 1820.

The Message and accompanying documents were laid on the table.

THURSDAY, March 9.

The SPEAKER communicated to the House a letter from the Governor of the State of Ohio, enclosing an act passed by the General Assembly of that State, entitled "An act respecting a navigable communication between Lake Erie and the Ohio;" and a resolution passed by the said General Assembly, asking a donation of, grant, or right of pre-emption in the purchase of, certain lands, agreeably to the provision of the said act; as, also, for the right of pre-emption to purchase twelve sections of land, for the purpose of establishing seats of justice thereon for new counties which have been formed; which letter, with the said act and resolution, was referred to the Committee on Roads and Canals.

MARCH, 1820.

Relations with Spain.

H. OF R.

Mr. SILSBEE, from the Committee on Naval Affairs, to whom was referred, on the 18th ultimo, the petition of sundry fishermen of Gloucester, in the State of Massachusetts, reported a bill to amend the second section of the act, entitled "An act more effectually to provide for the national defence, by establishing a uniform militia throughout the United States;" which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. RANKIN, from the committee to whom was referred the petition of James Wilkinson, made a report thereon, accompanied by a bill for the relief of General James Wilkinson; which bill was read twice, and committed to a Committee of the Whole to-morrow.

On motion of Mr. FOOT, the Committee on the Judiciary were instructed to examine and report to this House, whether, in their opinion, cents, or copper coins, are by law made a *tender*, and whether the existing laws regulating the coins of the United States require amendments.

Mr. STRONG, of Vermont, submitted the following resolution, which was read, and ordered to lie on the table:

Resolved, That the President of the United States be requested to lay before this House such information as he may think proper relating to the progress, proceedings, and final accomplishment, of the Commissioners appointed agreeably to the 4th, 5th, 6th, 7th, and 8th articles of the Treaty of Ghent, in ascertaining and settling the boundary line between the United States and Great Britain, in conformity to the second article of the treaty of 1783, and whether it is ascertained that the fortification at Rouse's Point, (so called,) on Lake Champlain, near the 45th degree of north latitude, is within the boundary limits of the Government of Great Britain, and what has been the amount of the expenditure in erecting said fortification; and, also, to give such further information as he may think proper as to the whole amount of the expenditure already accrued to the United States, in carrying into effect said treaties, subsequent to the appointment of said commissioners, including their annual salaries or perquisites.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the Speaker of the House of Representatives:

I transmit to the House of Representatives, in pursuance of their resolution of the 22d of last month, a report from the Secretary of State, with the papers containing the information requested by that resolution.

JAMES MONROE.

WASHINGTON, March 8, 1820.

To the President of the United States:

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 22d ultimo, requesting the President to impart to that House any communications touching the Florida Treaty, which have not heretofore been communicated, and the communication of which, in his opinion, may not be prejudicial to the interests of the United States, has the honor of submitting to the President the papers containing the information in possession of this Department requested by the resolution.

JOHN QUINCY ADAMS.

DEPARTMENT OF STATE, March 7, 1820.

The documents accompanying this report were ordered to be printed.

Mr. PINBALL moved again, (having on several previous days made the same motion unsuccessfully) that the House do now proceed to consider the resolution submitted by him on the 18th ultimo, proposing an amendment to the rules of the House in relation to the duties of stenographers, admitted within the House; and the motion was negatived.

The resolution lying on the table to authorize the publication of part of the Secret Journal of Congress, under the Articles of Confederation, and the amendments reported thereto by the select committee, being read, were concurred in by the House, and the resolution, as amended, was ordered to be engrossed and read a third time.

RELATIONS WITH SPAIN.

Mr. LOWNDES, from the Committee on Foreign Affairs, made a report upon the state of the relations between the United States and Spain, accompanied by a bill to authorize the President of the United States to take possession of East and West Florida, and establish a temporary government therein; which bill was read twice, and committed to the Committee of the Whole on the state of the Union. The report is as follows:

The committee to whom has been referred so much of the President's Message, at the commencement of the session, as relates to foreign affairs, respectfully report—

That their attention was directed, immediately upon their appointment, to the state of the relations of the United States with Spain, and that their delay in making a report upon them must be attributed to their wish "to afford an opportunity for such friendly communications, during the present session of Congress," as the Government of Spain had authorized us to expect. They thought it better that Congress should postpone its determination until events might enable it to make that determination definitive, than that it should pass a contingent act for authorizing measures which it was not proposed immediately to execute; that it should found its determination upon relations ascertained to exist, than upon a calculation of events which might be expected to occur during its sitting.

But more than a year has passed since the signature of the treaty by which it was proposed to terminate the long differences between the United States and Spain. More than six months since, the appointment of a new Minister from Spain, who was "forthwith" to make known to the United States the intentions of his Government, and we have advanced so far in the session as to make it necessary to propose, without further delay, any measure on which it is expected that Congress shall act before its adjournment.

The committee will not attempt to add any thing to the exposition of the rights of the United States and the obligations of Spain, which is contained in the correspondence between the two Governments. We can hardly expect, from continued negotiation, the redress which has been claimed for twenty years, and promised for eighteen—which has been a second time promised, and a second time withheld. In such a negotiation, the signature of a treaty seems to be a mere incident, and not its term.

For the spoliation which have been committed upon the property of our citizens, for the invasion of our soil, for the weakness or partiality which has made a Spanish territory the place of rendezvous and encampment of an enemy, and which has still more lately permitted the Indian inhabitants of that territory, (whom Spain was bound by treaty to restrain,) to engage in savage hostilities against us; for all these acts of war, a people less attached to peace, would seek redress only by war. To capture and confiscate the ships and property of the wrongdoer, would be admitted to be a policy of mildness and forbearance. But, by such reprisals, the Government that does the wrong suffers less than the unoffending subject. It seems a more just reprisal to occupy the province which has been made an instrument of injury, which has been designated by Spain herself as the fund for our indemnity, and whose occupation by the United States will stop the accumulation of those claims for compensation and redress, which the misgovernment of that neglected colony continually produces. The committee submit to the House a bill to authorize the President of the United States to take possession of East and West Florida, and establish a temporary government therein.

There appears too much reason to believe, from the mistake of the Spanish negotiator, as to the dates of the Spanish grants, which it was intended to annul, if the projected treaty had been ratified, that the Crown lands in Florida may be insufficient to provide the expected indemnity for our losses. But these may be applied, as far as they will go, to the compensation of our citizens, and for the excess of our claim, Spain, by whose act the domain of Florida has been rendered inadequate, must expect us to look westward. Perhaps, when our attention is thus forced to a direction more interesting to Spain, her Government may at last admit that it is as much her interest as ours, that the just claims of the United States should be provided for by friendly convention, and we may hope that the next treaty between the two nations may be executed as well as signed.

The following is the bill accompanying the report:

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized and required to take possession of, and occupy, the territories of East and West Florida, and the appendages and appurtenances thereof; and he is hereby authorized, for that purpose, to employ any part of the Army and Navy of the United States, and the militia of any State, which he may deem necessary.

Sec. 2. And be it enacted, That, until the end of the next session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil, and judicial powers exercised by the officers of the existing government of the same territories, shall be vested in such person and persons, and shall be exercised in such manner, as the President of the United States shall direct, for maintaining the inhabitants of said territories in the free enjoyment of their liberty, property, and religion; and the laws of the United States relative to the collection of the revenue, and the importation of persons of color, shall be extended to the said territories; and the President of the United States shall be, and he is hereby, authorized, within the term aforesaid, to establish such districts for the collection of the revenue, and during the recess of

Congress to appoint such officers, whose commission shall expire at the end of the next session of Congress, to enforce the said laws, as to him shall seem expedient.

Sec. 3. And be it enacted, That the sum of — dollars is hereby appropriated, for the purpose of carrying this act into effect, to be paid out of any money in the Treasury not otherwise appropriated, and to be applied under the direction of the President of the United States.

MILITARY APPROPRIATIONS.

The House again resolved itself into a Committee of the Whole on the bill appropriating moneys for the support of the Military Establishment for the year 1820.

Mr. SMITH, of Maryland, took a historical view of the legislation of Congress on the subject of fortifications, to show under what authority the Executive had heretofore proceeded in the erection of fortifications. In 1794 a law had passed authorizing the fortifying, from time to time, of certain points therein mentioned. In 1798 the President was authorized to erect fortifications in any other place that the public safety might require. In 1808 the President was further authorized by law to complete the maritime fortifications, &c. No other positive statute existed on the subject, but the President of the United States, under his general powers, had caused fortifications to be erected at certain points, and Congress had sanctioned it by successive appropriations. With respect to the later fortifications, under a resolution of Congress, the maritime coast had been surveyed with a view to its complete fortification—the report of the engineers was laid before Congress, with a plan of fortifications, indicating those now contracted for, and stating the sum which, under this view, would be necessary for the current year. The sum was appropriated by Congress, who thus sanctioned the proposition; and the Executive had in pursuance of this intimation of the disposition of Congress, directed the works to proceed.

Mr. BUTLER, of Louisiana, spoke in favor of the largest sum proposed to be appropriated. He particularly referred to the fortification of Dauphin Island, which the Committee of Ways and Means seemed to suppose might be dispensed with. This fortification, he said, was a part of a system of defence for the entrance to Mobile Bay, and, if any part of it was executed, the whole ought to be. He pointed to plans lying before him, showing the relation of the two forts proposed to be erected there, to one another, and their mutual dependence, for the protection of a passage which could not be otherwise effectually protected, being five miles wide.

Mr. MCCOY rose to ask a favor and to enter a protest. The favor he had to ask was, that gentlemen who were for keeping in service a large navy, a standing army, and other expensive establishments, would not attempt more than the resources of the country would bear them out in. The protest he had to enter was, against the practice of permitting the Heads of Departments to legislate for Congress, and to pledge the funds of the Government to any extent, at their pleasure. As

MARCH, 1820.

Military Appropriations.

H. OF R.

a general principle, contracts ought not to be made by officers of the Government but under the authority of law.

Mr. LOWNDES then delivered his sentiments on the subject. He was in favor of the sum proposed by the Committee of Ways and Means, because he understood that it would be sufficient for the purposes of carrying into effect existing contract. With regard to the system of contracts, &c., which had been the subject of animadversion, he said, if the matter were closely examined, he believed it would be found that the laws on the subject were exceedingly defective; and that, if there had been any irregularity, it had been made unavoidable by the omission of Congress to legislate on the subject. In the nature of things, contracts must be made by the Government in regard to certain expenditures; and such had been made in certain branches of the public service from the commencement of the Government, without objection—of which he quoted examples, among which was that of the expenditure for timber for the Navy, under the act appropriating a million of dollars annually for the object. Contracts, he said, might be made in two ways: on objects specially recognised and directed by acts of Congress; and on objects within the legitimate authority of the Executive, and to amounts within the compass of the usual annual appropriations by Congress. Applying these principles to the case before the House, he thought that contracts for the expenditure of \$800,000 within the year might have been made on every reasonable calculation, being about the amount which Congress had lately appropriated for successive years, except where a surplus of appropriation rendered a less sum necessary. On the subject of fortifications generally, he said, he did not dwell, because it required a sort of knowledge which he did not possess. But, with regard to some points of our maritime frontier, he felt a particular solicitude that they should be completely fortified at any expense.

Mr. MCCOY said, that his objection to the system of contracts was, that they exceeded, in this case at least, the sums appropriated and designated by Congress for that object of expenditure. Contracts ought not to be made in anticipation of appropriations hereafter to be made; because circumstances might arise in the following year to prevent Congress from appropriating any thing. Nearly such a state of things indeed now existed. In time of war, necessity might justify a departure from a rigid adherence to this rule; but in time of peace there was nothing to justify it.

Mr. LIVERMORE expressed his wish that this item of appropriation should be so worded as that no part of the amount should be disbursed but in pursuance of "contracts previously authorized by law."

Mr. CLAY said, it must be quite obvious to every one, from daily experience, that the practice of exceeding appropriations was one which called loudly for the interposition of Congress. This excess was not confined, he said, to one Department of the Government, but the disease seems to have pervaded all the branches of the Executive

Department; and, unless the House should, on some occasion, withhold an appropriation in some case wherein an expenditure had been made without authority, he had no doubt the evil would go on to the utter subversion, if not of the Constitution, of all law on the subject. The sum of five hundred thousand dollars, which he had proposed for this object, he said he considered sufficient. It was at least as much as could be expended before the end of the present session; and if, after the ways and means for the current year were provided, it should be thought proper to appropriate more money for this object, it would be completely within the power of Congress to do so. With regard to retrenchment, Mr. C. said he knew that Congress had much difficulty to encounter. All the Heads of Departments would agree that there ought to be a retrenchment of the expenses of the Government; but none of them would agree that his particular department should be the object of it. *We*, said Mr. C., have to perform all the ungracious offices of the Government; *we* have the painful duty of imposing taxes, they the pleasure of recommending their repeal; *we* have the labor and responsibility of raising money, they the gratification of spending it. Mr. C. said he was therefore disposed to take care that there should not be a wasteful expenditure of the public money. With regard to Mobile Bay, Mr. C. said the House were at last presented with the report of the Committee of Foreign Relations; and, if that committee could succeed in persuading the House that we may take pacific possession of Florida *with* or *without* a treaty, the fortifications of Pensacola would perhaps afford a sufficient protection to Mobile Bay. On the subject of fortifications generally, Mr. C. said there had been, heretofore, he would not say a wasteful extravagance, but an improvident profusion. We were making fortifications everywhere, and a large amount of money had been expended on one fortification (Rouse's Point) which was understood to be actually within the British line. He concurred with the gentleman from South Carolina, that two or three great points ought to be fortified; but he would not, therefore, expend such sums of money on points which were not so important.

Mr. LOWNDES said, he should himself perhaps believe that not more than five hundred thousand dollars ought to be appropriated for the erection of fortifications during the present year, did not the existing contracts require the appropriation of a larger amount. With respect to the proposed appropriation, it was not, as might be supposed, from the remarks of some gentlemen, to meet an expenditure beyond the appropriation. It was a case in which, with a due forecast and attention to economy in the expenditure of public money, contracts have been made, founded on a rational expectation of appropriations being made by Congress—an expectation justified by the sanction given by previous appropriations to the prosecution of these works. Analogous cases frequently occurred. The gentleman from Kentucky, he was sure, would recollect the case of the Cumberland road, in which contracts had been made involving

the expenditure of money beyond the amount appropriated by law, and depending on future appropriations for their fulfilment.

Mr. CLAY again spoke upon the subject. If, he said, the Executive was authorized to make contracts, relying on appropriations usually made, what ought, in this case, to have been its guide? The appropriation of last year, amounting to five hundred thousand dollars, the sum with which it was proposed to fill this blank. Between the present case and the Cumberland road he said there was no analogy. There was a positive law authorizing the road, and a certain sum appropriated; under that law contracts had been made, under which the expenditure had exceeded the amount appropriated. The case now under consideration was that of an attempt to expend the public money without the authority of any law.

Mr. MALLARY spoke in favor of the smallest sum proposed. It was time, he said, to put an end to the excessive expenditures of public money. He found, on consulting the documents on the table, that already contracts had been made by the War Department for fortifications, which would involve the expenditure of two million seven hundred thousand dollars. It was time, he said, to determine whether contracts made by agents of the Government, at all times, for all purposes, and to any amount, should be considered as binding on the Government.

Mr. STORRS made some remarks on the relative responsibility of this House and of public officers, and on the ease with which it was sometimes evaded. For example, in the case of the public gunpowder loaned to certain persons, the head of the ordnance department said he had nothing to do with it, but remonstrated against it. Another officer in that department says it was done with the approbation of the Secretary of War, and all unite in saying that some part of the responsibility for the transaction properly belonged to an officer of the Army who had since been dismissed the service. Mr. S. then proceeded to quote the sentiments contained in the Inaugural Speech of the present President of the United States, on the subject of responsibility and the duty of the Executive in this respect. With respect to the present House, he said, if there had been any irregularity or excess in the expenditure of public money, it was not to blame for neglect in preventing it; for no House he had ever seen or read of had been so faithful in the performance of this part of its duty as (so far) this House had been.

Mr. BALDWIN said that he was in favor of the sum proposed, because the faith of the Government was pledged for so much, and the state of the Treasury was not such as to require it to be violated. He was not disposed, he said, to protect any Executive officer in the abuse of power; but, in relation to this subject of fortifications, it was no more than just that the state of it should be fairly understood. He then proceeded to take a review of the course of the Government on this subject, from the instructions to the Board of Engineers to survey the coast and their report, to the laying of the same before Congress, with all the plans of the

fortifications and estimates of their probable expense; after which the sum required for the then ensuing year (1819) was deliberately appropriated by Congress. There are two ways, Mr. B. said, in which the sanction of Congress may be given to any measure—by passing a special law directing a thing to be done, or by an appropriation for the purpose of doing it. With all the information on the subject before them, and with a full knowledge of the extent of the plan for the fortification of the coast, the three branches of Congress had passed an appropriation to commence the work, thereby ratifying the plan. Previous to this act no contracts had been made; after its passage, it became the duty of the Executive to go on to execute the work. With respect to the deficiency in the revenue, Mr. B. intimated that that might be supplied without resorting to either of the three alternatives of the honorable Speaker. We own seven millions of stock in the Bank of the United States. It yields no dividend this year, and but little in the last. If we want money, said he, let us take a fund of no use to us, which brings us in nothing, and which may be sold at nearly its par value. He was, as other gentlemen professed to be, a friend to economy, but *true* economy. He would leave untouched every thing necessary to the usual and regular operations of the Government, and every thing which was connected with the common defence and general welfare.

Mr. BUTLER, of Louisiana, made some further remarks in favor of the appropriation of an adequate sum for the object now under consideration. He again dwelt on the importance of the fortification on Dauphin Island. With regard to the suggestion of the Speaker on this head, Mr. B. said the port of Pensacola, when in our possession, will no more protect the Bay of Mobile than the fortifications at New York will protect the Delaware.

Mr. NEWTON delivered his sentiments in favor of an adequate appropriation for fortifications. He enlarged on their importance to the protection of our seaports—to the interests of commerce—and, as connected with them, to the interests of agriculture. A few millions, expended for the permanent and perfect protection of such interests, ought to be no object. He dwelt particularly on the importance of the fortifications at Old Point Comfort, &c., at the mouth of the Chesapeake, and said that true economy required the prosecution of all which are commenced to completion as speedily as practicable.

Mr. TRIMBLE spoke at some length in explanation and confirmation of what had been said by other gentlemen as to the authority by which the Executive had entered into contracts for the erection of fortifications. The sum proposed by the Committee of Ways and Means, he thought, ought to be granted, as not being more than necessary to pay for work done and in a course of performance.

Mr. CLAY repeated the idea, that the money appropriated ought to be considered the limitation of the power of the Executive to make contracts. With respect to the deficiency in the revenue, so far from taking hold of the stock of the Bank of

MARCH, 1820.

Proceedings.

H. OF R.

the United States, he had been in hopes, as there seemed to be great difficulty what to do with the Sinking Fund, that Congress would have consented to appropriate it to the payment of the debt which we owe to the Bank of the United States for that stock, having due regard to the five per cent. interest which only we had stipulated to pay on that part of the public debt.

Mr. SMYTH, of Virginia, spoke at some length in favor of a sufficient appropriation. The only question ought to be, is the expenditure proposed necessary for the public welfare. There was no money which this Government could lay out to so great an advantage as in erecting fortifications. They were a cheap defence in war; and whatever other gentlemen might believe, he thought he saw a large "speck of war" in the horizon, and not with Spain alone. We ought, in due time, to make preparation for a contest which sooner or later must come. In illustrating the importance of fortifications, Mr. S. said that during our history three of our largest and most important commercial cities had been saved by them—alluding, in the Revolutionary war, to Charleston, and, in the late war to Baltimore, and New Orleans—for, much as was due to the bravery and skill of its defenders at the entrenchments, it was also true that Fort St. Philip below had been equally necessary to, and efficient in the preservation of New Orleans. Resorting to foreign history, he quoted that of France, to show that she had been saved by her engineers, artillerymen, and fortifications, &c. He hoped the appropriations necessary to this important object would not be withheld.

The question was then taken on filling the blank with \$1,520,000, and negatived by a large majority.

The question was then taken on filling it with \$800,000, and decided in the affirmative, by a vote of 73 to 61.

The appropriation for repairs, &c., at West Point, was moved by Mr. CANNON to be stricken from the bill; but the House decided to retain it.

The appropriation for completing the arsenal at Augusta, Georgia, next came up. Mr. COBB stated, and Mr. REID confirmed the statement, that, however eligibly situated, its location was in so unhealthy a site, as to make it unfit for occupation, and that there was no prospect of this objection being obviated. The appropriation was, after hearing a statement of Mr. SMITH, of Maryland, in defence of it, stricken from the bill, by a vote of 56 to 48.

Mr. TRIMBLE then moved the following amendment to the bill:

"To enable the Secretary of War to renew and extend a contract with John P. Garresches, of Delaware, for one thousand barrels of powder, if he shall so choose to renew and extend; and the said Garresches shall secure the loan of powder already made to Peter Bauduy, 22,000 dollars. Provided, that this appropriation shall not be construed to sanction the original loan of powder to Peter Bauduy, or to exonerate any person or persons from their liability to the United States for making said loan."

A debate of one and a half hour's duration arose

on this amendment. It was supported by Mr. TRIMBLE, of Kentucky, and Mr. McLANE, of Delaware, and opposed by Mr. MCCOY, of Virginia, Mr. WALKER, of North Carolina, Mr. CANNON, of Tennessee, Mr. WILLIAMS, of North Carolina, Mr. SLOCUMB, of North Carolina, Mr. STORRS, of New York, and Mr. ROSS, of Ohio.

The proposition was finally rejected, by a considerable majority.

Mr. CLAY, in offering the following amendment, briefly adverted to its importance and interesting nature. There were, he said, eleven States, (counting Missouri and Arkansas,) more or less interested in it. Many steamboats were employed in this navigation, and many more would be; and he did verily believe that, by an expenditure of a hundred or a hundred and fifty thousand dollars, and an annual expenditure thereafter of ten or fifteen thousand dollars, the navigation could be made perfectly safe. He hoped, as this appropriation was analogous to one or more contained in the bill, there would be no objection to it.

"For making a survey, maps, and charts, of the Ohio and Mississippi rivers, from the Rapids of the Ohio at Louisville, to the Balize, for the purpose of facilitating and ascertaining the most practicable mode of improving the navigation of those rivers, five thousand dollars."

The motion was agreed to, without a division.

Mr. COBB then offered the following amendment to the bill:

"For the purpose of holding treaties with the Creek and Cherokee tribes of Indians, for the extinguishment of the Indian title to all the lands within the State of Georgia, pursuant to the fourth condition of the first article of the Articles of Agreement and Cession concluded between the United States and the State of Georgia, on the 24th day of April, 1802, the sum of thirty thousand dollars."

When the Committee rose, and reported progress, and the House adjourned.

FRIDAY, March 10.

Mr. WARFIELD presented a petition of sundry inhabitants of the county of Washington, in the District of Columbia, and of Montgomery county, in the State of Maryland, praying that so much of an act of Congress of the last session as authorizes a turnpike company to make a road from Tenny Town to Georgetown, and to collect toll thereon; as also to erect toll-gates on the roads leading from Tenny Town to Brookville, and to Leesburg, may be repealed, for reasons set forth in the petition; which was referred to the Committee for the District of Columbia.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: An act making further provision for the sale of the public lands; and an act further to suspend for a limited time the sale or forfeiture of lands for failure in completing the payments thereon; in which they ask the concurrence of this House.

The said bills were read twice, and severally referred to the Committee on the Public Lands.

H. OF R.

Journals of the Old Congress.

MARCH, 1820.

Mr. CANNON submitted the following resolution, viz :

Resolved, That the Committee of the Whole House who have under consideration the bill making appropriations for the Military Establishment for the year 1820, be instructed to inquire into the expediency of abolishing the Military Academy at West Point, in the State of New York; also, of repealing all laws in relation to said Academy, from and after the first day of May next, and exposing to sale, to the highest bidder, all the property of the United States in and about the same, in such manner as may be directed by the President of the United States.

The resolution being read, Mr. SMITH, of Maryland, moved that it lie on the table; which motion was rejected; and the question was taken to agree to the same, and passed in the affirmative.

JOURNAL OF THE OLD CONGRESS.

Mr. STROTHER rose and said, that he thought it indispensably his duty to call up a motion he had made some time before; that certainly the time had arrived, when no reason could longer exist for refusing to publish the Secret Journal of the Old Congress; that, in making this motion, he did not mean to allude to any particular measures or the actors in them. All he should say on that subject was, that whatever they contained should be known to the people; that, if it appeared from them, there were subjects of great national concern agitated, the consequences of which would have been of the highest importance, and there were men who, on those occasions, have rendered great services to their country by their exertions in defending their rights, Mr. S. said it ought to be known, that every man might have that credit with his country he is entitled to. If, on the contrary, there were men who, in their opinion, had acted wrong, or wished to sacrifice any of the interests belonging to the Union, and which they did not consider as peculiarly favorable to the States they represented, but which might be injurious to them—if there were such men still alive, and who might possibly be brought forward as candidates for office, was it not equally proper that the whole of their public conduct should also be known; or how can the public judge, while the veil of secrecy is still thrown over it? Mr. S. thought that it was highly proper that nothing which was of importance to the country, and which had been previously agitated in our public councils at that distant day, should be kept from the public eye. He adverted to the strange appearance it might have that the Secret Journal of Congress should be published during the Revolutionary war, when the secrets might be considered as of more delicacy and importance than in time of peace, when there was reasons to suppose none such, or at least none of equal importance, could have existed.

Mr. S. made many other remarks on the subject, tending to prove the extreme impropriety of any longer withholding from the public a view of the Secret Journal, which he contended would cost but very little, and did not consist of more than sixty or eighty pages, and were all transcribed and ready for publication; to prove which, he read a

letter he held in his hand, from Mr. Secretary Adams, to that effect.

Mr. S. then moved to take up the resolution he had himself moved, for the publication of the Secret Journal.

After he had closed, some desultory conversation took place, which, showing that many members would vote against it—

Mr. C. PINCKNEY said, that he hoped the motion would prevail; that it was difficult to see what reasons could exist against it; that, if the Secret Journal of the Old Congress, from 1775 to 1783, (the conclusion of the peace) were ordered to be published, why not these? In the former, it might have been much more improper than in the latter, because the whole of the Secret Journals contained the secret proceedings of Congress during the war, in which there may have been many private negotiations with different States in Europe, which those States might not wish to have exposed. That was the time also when spies, and private emissaries, and agents were necessary, and in many cases indispensable, some of whom might be alive, or their families, who would not wish it known that their friends had been engaged in practices generally not deemed honorable. But, from the year 1783 to 1789, the commencement of the new Government, no such secret could exist. He understood, from information which came from the Secretary of State, that the whole of the remainder did not contain more than sixty or eighty pages—not the size of many of the voluminous documents published this session—the expense, therefore, would be but small. As to the contents, Mr. P. said, he was only in Congress about half the time from 1783 to 1789; but, during that time, an event occurred which must be recorded on the Secret Journal, which, in his judgment, alone made it necessary that this part of the Journal should be published. It was a long time since it had occurred, and therefore what he stated would of course be to the best of his recollection. If there should be any mistakes, he would be willing to correct them; it was an event of great importance, in his opinion, in the civil history of this country, and to which he had alluded, in his observations on the Missouri bill, but which he would now more particularly state, as he had heard that what he had said before must have been misunderstood.

Mr. P. said, that, in 1785-'6, he believed '6, two or three years after the peace, Spain being very anxious on the subject, sent out Don Diego de Gardoqui, as her Minister, to this country, with instructions to offer to the United States a treaty of commerce, which she said was an advantageous one, if we would, in the same treaty, consent to give up the navigation of that part of the Mississippi, which ran through the Spanish dominions, for twenty-five years. Mr. John Jay was the Secretary of Foreign Affairs. The treaty, according to the then routine of business, was referred to him to report his opinion, and, to the best of his remembrance, he recommended its adoption. Seven, being all Eastern and Northern States, did vote for it: but owing to the Confederation requiring nine States as necessary to form a treaty, it was defeated.

MARCH, 1820.

Military Appropriations.

H. OF R.

Mr. P. said, that, if any part of the public business of this country, in which he had any agency, gave him more pleasure than another, it was the agency he had in association with the distinguished gentlemen now high in office in Washington, in preventing it. He believed he might venture to say, it was owing to them and another, now gone, that the whole of the Western country was saved to us; that the Mississippi still flows through American lands, and that her members here, so honorably fill these seats. And having, as he observed on the Missouri question, and, he said, let him here repeat it, contributed, at that distant day, to save the parent, he felt great pleasure on the late great occasion, in contributing his humble efforts to save her children.

The resolution was taken up and passed.

MILITARY APPROPRIATIONS.

The House again resolved itself into a Committee of the Whole, on the annual military appropriation bill.

Mr. COBB withdrew the motion which he yesterday offered to amend the bill, under the impression that it had better be annexed to the bill making the civil appropriations for the current year.

Mr. COCKE submitted a motion to amend the bill, so as to appropriate eighteen hundred dollars, for a survey of the Mississippi river, from the mouth of the Missouri river, to the mouth of the Ohio, with a view to the practicability of improving its navigation. After some observations from Mr. CLAY, and others, which went to show that this object was already provided for, Mr. C. withdrew his proposition.

Mr. COCKE then inquired, from the chairman of the Committee of Ways and Means, what portion of the appropriations contained in this bill related to the expenses of the expedition up the Missouri river; his object being to strike out that part of the appropriation.

Mr. SMITH, of Maryland, answered, that he could not say more on this subject than was disclosed by the report on this subject from the War Department, in pursuance of the requisition of this House, and which was in the possession of the House.

After some conversation, it appeared to be settled that the proper time for Mr. COCKE's motion would be when the question came before the House of concurrence in the appropriations agreed to by this Committee.

And, on motion of Mr. CLAY, this bill having been gone through, it was ordered to lie on the table.

The House then proceeded to the consideration of the proposition of Mr. CANNON, directing the Committee of the Whole to inquire into the expediency of abolishing the Military Academy; whereupon a debate of three hours arose.

Mr. CANNON said, in reply to the arguments of those who had spoken in favor of keeping up the Military Academy, if any thing could deter him from pursuing the course pointed out to him by what he believed to be his duty as a member of the House of Representatives, it would be that of

differing in opinion with the honorable gentleman from Maryland, who is chairman of the Committee of Ways and Means, (Mr. S. SMITH,) also that of the gentleman from Virginia, (Mr. SMYTH,) and the gentleman from New Jersey, (Mr. BLOOMFIELD,) all of whose opinions he held in the highest respect, and he was well aware had great influence in the House, more especially on the subject of military affairs or military science; to the superior knowledge and experience of those honorable gentlemen he would always yield, for he felt it to be the height of presumption to oppose his opinions on any subject to those of the gentlemen whose names he had mentioned. But, said he, the gentlemen I have alluded to, as well as all others who have spoken on the subject, have not stated my arguments correctly; they seem to have misunderstood me entirely, however explicitly I have attempted to state my opinions to the House. The gentlemen are quite mistaken if they suppose that I am opposed to the accumulation of military science. Sir, said he, I have never expressed such opinions on this floor or elsewhere; nor, said he, shall any gentleman understand me to entertain such opinions. He said he had distinctly told the House, on a former occasion, that he was decidedly in favor of the diffusion of military science amongst the general mass of the people of the United States. But he was opposed to confining it to a favorite few—a privileged order—and to this course of teaching the sons of our most wealthy citizens at public expense, while you neglect the helpless orphans of those whose blood has crimsoned your fields of battle in the defence of our country—while you not only refuse to expend a single dollar for their education, but you have even refused to give them bread until they shall be able to procure subsistence for themselves. These were the opinions he had before expressed on this subject, and he hoped they would not again be misstated or misunderstood. He said if the Government of the United States undertook to teach military science, which he thought himself necessary, it ought to be taught to the militia officers at public expense, by whom it would be taught to the citizens generally, and diffused and expanded through the whole mass of the people; and these arguments, he said, no gentleman had undertaken to answer. But gentlemen, he said, had advocated this enormous expenditure of the public money at the Military Academy on the ground that it was necessary for the defence of the country. But, sir, said he, I for one do not believe this country will ever be defended by this Military Academy; nor did he believe we could depend, for the defence of the country, on those persons who have been or may hereafter be educated there; nor did he believe this country ought ever to depend on a regular army for defence; nor did he believe we ought to depend on military fortifications for our defence. Sir, said he, I for one cannot rely on any of the modes of defence I have mentioned; nor can I rely on the whole of them put together, notwithstanding the vast amount of money we are annually expending on them. I believe the defence of this Government, said he, rests on a more safe and

H. OF R.

Proceedings.

MARCH, 1820.

secure foundation. It at last rests on your militia, the people, the citizens of these United States. They have heretofore defended our Government in the most trying times of difficulty and danger; and, sir, they will defend it again whenever it becomes necessary. You never have yet called on them in vain, (notwithstanding your neglect to qualify them to discharge this duty at public expense,) and let me tell you, sir, that you never will call on them in vain. So long as this Government shall be preserved in its original purity, every man will be his own and his country's defender. He did not, he said, wish to induce the people of his country to look to any other source for the defence of our Government. Arm and instruct your militia, and we are safe from invasion of any description and from any quarter. This he was aware would not be done so long as we lavished away our money on regular armies, fortifications, and military academies. But, sir, said he, if we go on with our system of aristocracy, we may soon lose sight of first principles; we may pamper a few favorites of the wealthy at the expense of the Government, and neglect the poor and the orphan, until our Government may become so corrupt and oppressive that the people ought not to defend it.

He said he believed the tendency of all Governments was towards aristocracy, and he feared our Government was going the same course. He believed it was our duty to guard against such things; for, said he, if we nurse them and encourage their growth a little longer, they will acquire such strength, such an interest will be interwoven and formed around them, as to bid defiance to all attempts to put them down. This, he said, must be obvious to all who have turned their attention in the least to the progress of the European Governments. He said he knew the task he had taken on himself was a very unpleasant one; that he would be subjected to the remarks of many who felt a deep interest in this institution, but it would not deter him from the discharge of his duty. His own situation in life, he said, would probably enable him to enjoy the benefits of this institution, should it be kept up, at some future day; and, could he be influenced by his own personal interest, he could, without running even the risk of being charged with a neglect of duty, have remained silent on the subject. But, sir, said he, so long as I entertain the opinions I now do respecting this monstrous system of aristocracy, that many gentlemen are so fond of, I cannot, in the discharge of that duty I owe to myself and my country, look on this growing evil without at least making an effort, however feeble it may be, to check its growth or put it out of existence, whatever feelings may be excited among honorable members of this House, or those who enjoy the benefits of this institution, or are concerned in its direction or administration. He thought some regard ought always to be had to the equal distribution of the favors and benefits of this Government; but that, if any partiality or favor was shown, it should be in favor of the weaker part, and not the strong; and he hoped this principle would never

be lost sight of. But, said he, we all know that the benefit of this institution has not been enjoyed by the poor nor the helpless heretofore. It is placed entirely out of their reach. It has been, with very few exceptions, enjoyed by wealthy people, who are competent to educate their sons at their own expense anywhere without any assistance from the Government. And, sir, said he, turn and twist it which way you will, I can view it as nothing more or less than robbing the poor to increase the wealth and splendor of the rich. This course, he said, had been pursued too long already, and he called on gentlemen to consider the consequences that would inevitably result from such a course of legislation, and pause before they made the decision.

Mr. CLAY submitted a resolution "that it is *inexpedient* at this time to abolish the Military Academy at West Point."

Those who supported the affirmative and negative sides of this proposition, in debate, were as follows: *Affirmative*—Messrs. CLAY, WOOD, CAMPBELL, FOOT, TOMLINSON, FULLER, SMITH of Maryland, SMYTH of Virginia, BLOOMFIELD, BROWN, and CASE. *Negative*—Messrs. LIVERMORE, ROSS, STEVENS, WALKER, SMITH of North Carolina, and CANNON.

Among the supporters of the Academy, Mr. CAMPBELL, and perhaps others, were of opinion the number of students might be reduced one half, and of course the expenditure proportionably.

A motion was made to strike out the syllable *in* from Mr. CLAY's motion, so as to make it read *expedient* instead of *inexpedient*. This motion was negatived, after a division, in which it was supported by forty-one votes, and Mr. CLAY's motion prevailed by a like majority.

The Committee then rose and reported their agreement to this resolution; and also reported, with amendments, the Military Appropriation bill.

SATURDAY, March 11.

A Message was received from the President of the United States, transmitting to Congress a report from the Director of the Mint, of the operations of that institution during the last year.

Among the petitions to-day, was one from the Chamber of Commerce of the city of Philadelphia, praying that the system established by law of allowing a credit for the duties on goods, wares, and merchandise, imported into the United States, may not be changed to a cash payment of said duties; which was referred, and ordered to be printed.

On motion of Mr. HENDRICKS, the Committee on Roads and Canals were instructed to inquire into the expediency of authorizing the appointment of commissioners to view and mark out a road, as a continuation of the national road from Wheeling, in Virginia, to the seat of government of the State of Ohio; thence to the contemplated seat of government of the State of Indiana; thence to the seat of government of the State of Illinois; and thence to St. Charles, on the Missouri river,

MARCH, 1820.

Military Appropriations.

H. OF R.

on the nearest direction, and on the best ground that can be selected.

A motion was made by Mr. RHEA, that the Committee of the Whole, to which is committed the bill to revive and continue in force an act, entitled "An act to provide for persons who were disabled by known wounds received in the Revolutionary war, and for other purposes," be discharged from the further consideration thereof, and that it be recommitted to the Committee on Pensions and Revolutionary Claims.

And, the question being taken thereon, it was determined in the negative.

The Committee on Roads and Canals were discharged from so much of the resolution of the General Assembly of the State of Ohio, referred to them on the 9th instant, as relates to a pre-emption in the purchase of lands for sites of courthouses for certain counties in that State, and it was referred to the Committee on the Public Lands.

The House proceeded to consider the report of the Committee of Claims, made on the 28th January last, unfavorable to the petition of Phineas Andrews, and Mr. CULPEPER moved to reverse the report; which motion was negatived, and the report was agreed to.

On motion, the Committee of the Whole to which is committed the bill making further appropriations of money for continuing the work upon the centre building of the Capitol, and for other purposes, was discharged from the consideration thereof, and it was committed to the Committee of the Whole to whom is committed the bill making appropriations for the support of the Government for 1820.

MILITARY APPROPRIATIONS.

The House proceeded to consider the report of the Committee of the Whole on the bill making appropriations for the support of the Military Establishment for the year 1820.

On the question to concur in filling the blank for medical, hospital, and quartermaster's stores, with \$500,000, a debate was commenced by Mr. COCKE, of Tennessee—opposition being made to it by him on the ground of hostility to the Missouri expedition.

The further prosecution of that expedition was supported and opposed by the following gentlemen: *Affirmative*—Messrs. SIMKINS, STROTHER, SMITH of Maryland, COOK, QUARLES, SMITH of Virginia, RHEA, and SERGEANT. *Negative*—Messrs. COCKE, STORRS, HARDIN, ROSS, and FOOT.

The question being taken on agreeing to the proposed sum of \$500,000 for this item of expenditure, it was decided thus: For this amount 70, against it 75.

So the House refused to concur with the Committee of the Whole in filling the blank with this sum. And, without proceeding further in the bill, the House adjourned, at near 4 o'clock.

MONDAY, March 13.

On motion of Mr. PINDALL, the House proceeded to the consideration of the motion submitted by him some weeks ago, for amending the rules of the 16th Con. 1st Sess.—52

House, so as to oblige the Stenographers admitted within the walls to be under oath, &c.

This proposition was supported by Messrs. PINDALL and CANNON, and was opposed by Messrs. SMITH of Maryland, SIMKINS, WARFIELD, and WALKER.

On the question to agree thereto, it was decided in the negative, without a division. So the motion was rejected.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit "An act for the relief of John Harding, Giles Harding, John Shute, and John Nichols;" "An act for the relief of Gabriel Godfrey;" and "An act for the relief of Joseph Lefevre"—in which bills they ask the concurrence of this House.

MILITARY APPROPRIATIONS.

The House then again proceeded to the consideration of the bill making appropriations for the support of the Military Establishment for the year 1820.

And the question being on filling the blank for the amount of appropriation for the Quartermaster's Department—the House having on Saturday refused to fill it with \$500,000—

Mr. COOK moved to fill it with \$400,000; thus reducing it a hundred thousand, with a view to arresting the Missouri Expedition.

Mr. TRIMBLE moved to fill it with \$480,000. He intimated his opinion, that, after what had passed indicative of the views of this House, and particularly under the present aspect of our foreign relations, the expedition would be restricted to the Council Bluffs. But, even in retracing its steps, &c., certain expenses must be incurred, to the same amount, or very nearly, as if the expedition had gone on.

Now again commenced the debate on the merits of the expedition to the Yellow Stone, or rather to the Mandan villages; when the following gentlemen supported and opposed the prosecution of the expedition. *Affirmative*—Messrs. HOLMES, STROTHER, BROWN, FORD, GROSS of New York, COOK, NELSON, and RHEA. *Negative*—Messrs. SOUTHARD, FLOYD, JOHNSON, COCKE, FOOT, and STORRS.

Mr. HOLMES had moved to fill the blank with \$495,000; being, in effect, a proposition to retain the appropriation for the prosecution of the Missouri expedition to its ultimate objects.

At the close of the debate, the question on this proposition was decided, by yeas and nays, by the following vote: For that sum, 77; against it 85.

On Mr. TRIMBLE's motion, the vote was for his motion, 77; against it, 84.

On motion of Mr. COBB to fill the blank with \$450,000, (predicated on the maintenance of the expedition at the Council Bluffs,) the question was not taken by yeas and nays, but was decided affirmatively, by a large majority; and the House adjourned.

TUESDAY, March 14.

Mr. SMYTH, from the Committee on Military Affairs, reported a bill concerning the Military

Academy; which was read twice, and committed to a Committee of the Whole to-morrow.

On motion of Mr. SLOCUMB, the Committee on the Judiciary were directed to inquire, and report to this House, whether any, and, if any, what, measures are necessary to be taken for the greater security of debts due the United States in consequence of certain loans of powder, lead, and other munitions belonging to Government, having been made to private citizens, by an officer of the United States.

On motion of Mr. COBB, the President of the United States was requested to communicate to this House any information which may have been received by the Department of State, or other Executive department, of the amount of claims of the citizens of the United States for Spanish spoiliations upon their property and commerce, or those for which the Spanish Government are held responsible.

On motion of Mr. CAMPBELL, a committee was appointed to inquire into the expediency of providing by law for the satisfaction of unlocated warrants, which have issued to officers and soldiers of the Virginia line on continental establishment; and, also, for the emanation of patents, in cases where locations have been made, and patents not obtained; and Messrs. CAMPBELL, BEECHER, NELSON of Virginia, BROWN, and SLOAN, were appointed a committee pursuant to the said resolution.

Mr. BLOOMFIELD submitted the following resolution:

Resolved, That Brigadier General Boyd, of the Army of the United States in the late war with Great Britain, be admitted within the House of Representatives.

The said resolution being read, Mr. FLOYD moved to lay the same on the table; which motion was negatived, and the resolve was agreed to.

Bills from the Senate of the following titles, to wit: An act for the relief of John Harding, Giles Harding, John Shute, and John Nichols; An act for the relief of Gabriel Godfrey; and An act for the relief of Joseph Lefevre, were read twice, and severally referred to the Committee of Claims.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: An act for the relief of Mary Cassin, widow and administratrix of Patrick Cassin, deceased; An act for the relief of Robert Swartwout; and An act for the relief of Rosalie P. Deslonde; in which last mentioned bills they ask the concurrence of this House.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting a report of the Fifth Auditor of the Treasury, "relative to the progress that has been made in building the lighthouse at the mouth of the Mississippi," rendered in obedience to the resolution of the 9th instant; which was ordered to lie on the table.

MILITARY APPROPRIATIONS.

The House resumed the consideration of the bill making appropriations for the support of the Military Establishment for the year 1820.

The item of fortifications next presenting itself for consideration—and the question being on con-

currence with the Committee of the Whole, in filling the blank for the amount with the sum of eight hundred thousand dollars—

Mr. BUTLER, of New Hampshire, said he was opposed to the appropriation of \$800,000 for fortification; \$500,000 only was appropriated last year, and that sum will continue the work this year. You cannot expect to complete your works of defence, on an extensive coast, in one year, nor in many years. Very large sums have been expended in works of defence annually, and more than twelve millions have been expended since the year 1789. Now our Treasury is empty, we are required to increase this expenditure \$300,000. You are told that contracts are made; that the Secretary wants the money; that he must have it; nothing less than he demands will do. This plea of necessity you have at every session. If you propose a reduction of the expenditures, you are charged with want of confidence in the departments. Thus, sir, you are the humble servant of the Executive. Passing appropriation bills has become a matter of course. It is even considered uncivil to hesitate in giving the sum demanded. You may as well authorize, by a general act, each Department to use what money they may want, if it is in the Treasury, and, if not, to loan it. You are told that you cannot refuse the money they ask. If you believe they waste the money, you must impeach them, or pass resolutions about them. Sir, the Treasurer informs us that there will be a deficit of five millions of dollars: that "whether we augment the revenue or diminish the expenditure, a loan will be necessary." If you propose a reduction of the Army, there is a cry of war, and a war bill is laid on your table. If you propose to abolish the Military Academy, that sink of dissipation, you are told that military science will be forgotten, and martial spirit and ardor will become extinct in your country. If you propose to stay your hand in fortifying your extensive coast and building islands in the sea, large specks of war are seen; your cities will be demolished, unless the work is done without delay. Sir, your expenditures are increasing faster than your revenue. The Treasurer informs us, in his report on the bank, that our currency has fallen, in three years, from one hundred and ten millions to forty-five millions of dollars, and that our exports have sunk in foreign markets fifty per cent.; that general distress pervades our country. If this be correct, his estimate of the revenue from customs will prove too high, and, I fear, from the sale of public lands also. He says, in the same report, "whether commerce, splendid mansions, or public lands, be the object of desire, the means by which the gratification is to be secured are bank credits." Sir, the Government, as well as individuals, must economize, or our situation will become deplorable. A public debt is not a public blessing. Your debt is now about ninety millions of dollars. Make another war, and add ninety millions more, and the fate of the nation is fixed. Economy and retrenchment seemed to be the order of the day at the commencement of the session. These are delicious words to the readers of Congressional speeches; but they

MARCH, 1820.

Military Appropriations.

H. OF R.

will soon depreciate, like your currency, unless you give them force and meaning by your acts. Long speeches about economy, such as we had about slavery, will not suffice with the people. You must curtail your expenditures, or the people will not submit to your power. They will elect men who will diminish their burdens.

Mr. COCKE, opposed the filling the blank with the amount, and Mr. SMITH, of Maryland, defended it.

The question was decided affirmatively, by yeas and nays, 103 votes to 51, as follows:

YEAS—Messrs. Abbot, Alexander, Archer of Virginia, Baldwin, Barbour, Bateman, Bayly, Bloomfield, Boden, Brown, Brush, Buffum, Butler of Louisiana, Case, Cobb, Cook, Crawford, Crowell, Cushman, Cuthbert, Darlington, Davidson, Dennison, Dewitt, Dickinson, Dowse, Earle, Edwards of Connecticut, Fisher, Floyd, Folger, Ford, Fuller, Fullerton, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of Delaware, Hibshman, Hill, Holmes, Hooks, Hostetter, Johnson, Kent, Kinsey, Kinsley, Lathrop, Little, Linn, Lowndes, Lyman, Maclay, McLane of Delaware, McLean of Kentucky, Mason, Meech, Meigs, S. Moore, Monell, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, Parker of Massachusetts, Parker of Virginia, Patterson, Phelps, Philson, Pinckney, Pindall, Rankin, Reed, Rhea, Rogers, Settle, Silsbee, Simpkins, Slocumb, Smith of New Jersey, Smith of Maryland, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Southard, Stevens, Storrs, Street, Strong of New York, Strother, Swearingen, Tarr, Terrell, Tompkins, Trimble, Tucker of Virginia, Wallace, Warfield, Wendover, Whitman, Williams of Virginia, and Wood.

NAYS—Messrs. Adams, Allen of Tennessee, Baker, Beecher, Bryan, Burwell, Butler of New Hampshire, Cannon, Clagett, Cocke, Crafts, Culpeper, Eddy, Edwards of North Carolina, Fay, Foot, Forrest, Hall of New York, Hardin, Hazard, Hemphill, Herrick, Jones of Tennessee, Kendall, Lincoln, Livermore, McCoy, McCreary, Mallary, Marchand, Metcalf, R. Moore, Morton, Murray, Overstreet, Plumer, Rich, Richards, Richmond, Ross, Russ, Sampson, Shaw, Sloan, Strong of Vermont, Taylor, Tracy, Tucker of South Carolina, Upham, Walker, and Williams of North Carolina.

The question was also taken to concur with the Committee of the Whole, in their amendment to fill the blank attached to the item, "for the Military Academy at West Point, for fuel, maps, plans, books, and apparatus, and contingent expenses;" with the sum of "eighteen thousand three hundred and twenty-two dollars;" as, also, in their amendment to fill the blank attached to the item, "for completing the buildings," [at West Point,] with the sum of "two thousand five hundred dollars;" and passed in the affirmative—yeas 112, nays 42, as follows:

YEAS—Messrs. Abbot, Alexander, Allen of Massachusetts, Archer of Virginia, Baker, Baldwin, Barbour, Bateman, Beecher, Bloomfield, Boden, Brown, Brush, Bryan, Buffum, Burwell, Butler of Louisiana, Case, Cobb, Cook, Crawford, Crowell, Cushman, Cuthbert, Darlington, Davidson, Dennison, Dewitt, Dickinson, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Edwards of North Carolina, Fisher,

Foot, Ford, Fuller, Gross of New York, Guyon, Hackley, Hall of New York, Hall of Delaware, Hazard, Hill, Holmes, Hostetter, Johnson, Jones of Tennessee, Kent, Kinsey, Kinsley, Lathrop, Little, Lincoln, Linn, Lowndes, Lyman, McLane of Delaware, McLean of Kentucky, Mallary, Marchand, Mason, Meech, Meigs, R. Moore, S. Moore, Monell, Morton, Nelson of Massachusetts, Nelson of Virginia, Newton, Parker of Massachusetts, Patterson, Phelps, Pinckney, Pitcher, Plumer, Rankin, Reed, Rhea, Rich, Richmond, Rogers, Russ, Sampson, Shaw, Silsbee, Simpkins, Slocumb, Smith of New Jersey, Smith of Maryland, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Southard, Storrs, Street, Strong of New York, Strother, Swearingen, Taylor, Terrell, Tompkins, Tracy, Trimble, Tucker of Virginia, Wallace, Warfield, Wendover, Whitman, Williams of Virginia, and Wood.

NAYS—Messrs. Adams, Allen of Tennessee, Bayly, Butler of New Hampshire, Campbell, Cannon, Clagett, Cocke, Crafts, Culpeper, Fay, Floyd, Folger, Forrest, Fullerton, Gross of Pennsylvania, Hardin, Herrick, Hibshman, Hooks, Kendall, Livermore, McCoy, McCreary, Metcalf, Murray, Neale, Overstreet, Parker of Virginia, Philson, Pindall, Richards, Ross, Settle, Sloan, Stevens, Strong of Vermont, Tarr, Tucker of South Carolina, Upham, Walker, Williams of North Carolina.

The question was taken to concur with the Committee of the Whole in their amendment to fill the blank attached to the item "for cannon and shot, to fulfil existing contracts, and for the purchase of flints and timber for travelling carriages," with the sum of "forty-three thousand dollars;" and determined in the negative.

The blank was then filled with the sum of "fifty-three thousand dollars."

On the question to concur with the Committee of the Whole in striking out the clause making an appropriation for the completion of the arsenal at Augusta, in Georgia—

Some debate took place between Messrs. COBB, SMITH, of Maryland, REIN, and CUTHBERT, on the subject. When, on the question being taken, the House refused to strike out that clause; and agreed to fill the blank with the sum of \$27,000, viz: \$25,000 for the completion of the arsenal, and \$2,000 for draining the marsh near it.

The next item which excited attention, was that which embraces an appropriation of \$2,776,000 for the payment of the military and Revolutionary pensioners. Hereupon arose a debate. It began by Mr. BARBOUR's objecting to the amount of this appropriation, because of his intention to propose certain restrictive provisions on the subject, which, if adopted, would reduce the number of Revolutionary pensioners. The debate was kept up with some animation until near four o'clock; when the House decided, by yeas and nays, to agree to the above amount of appropriation, being necessary to the payment of the pensions actually granted.

The yeas and nays stood as follows:

YEAS—Messrs. Abbot, Adams, Allen of Massachusetts, Allen of New York, Allen of Tennessee, Baker, Baldwin, Bateman, Bayly, Bloomfield, Boden, Brush, Buffum, Butler of New Hampshire, Butler of Louisiana, Case, Clagett, Clark, Cook, Cushman, Cuth-

bert, Darlington, Davidson, Dennison, Dickinson, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Fay, Folger, Forrest, Fuller, Gross of New York, Gross of Pennsylvania, Guyon, Hall of New York, Hardin, Hazard, Hemphill, Hibshman, Hill, Holmes, Kendall, Kent, Kinsley, Lathrop, Little, Lincoln, Livermore, Lyman, Maclay, McCreary, Mallary, Mason, Meech, Meigs, R. Moore, S. Moore, Monelli, Morton, Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, Parker of Massachusetts, Patterson, Phelps, Pinckney, Pitcher, Plumer, Rhea, Richmond, Rogers, Russ, Sampson, Shaw, Silsbee, Sloan, Smith of New Jersey, Smith of Maryland, Southard, Stevens, Storrs, Street, Strong of New York, Taylor, Tompkins, Tracy, Upham, Wallace, Wendover, Whitman, and Wood—94.

NAYS—Messrs. Alexander, Archer of Virginia, Barbour, Beecher, Brown, Bryan, Burwell, Campbell, Cannon, Cobb, Cocke, Crafts, Crawford, Crowell, Culpeper, Edwards of North Carolina, Ervin, Fisher, Floyd, Foot, Fullerton, Hall of Delaware, Hooks, Hostetter, Johnson, Jones of Tennessee, Kinsey, Linn, Lowndes, McCoy, McLane of Delaware, McLean of Kentucky, Metcalf, Overstreet, Parker of Virginia, Philson, Pindall, Rankin, Reed, Rich, Richards, Ross, Settle, Simpkins, Slocumb, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Strother, Swearingen, Tarr, Terrell, Tucker of Virginia, Tucker of South Carolina, Walker, Williams of Virginia, and Williams of North Carolina—57.

The amendments reported by the Committee of the Whole being gone through, the said bill was ordered to be engrossed, and read a third time to-morrow.

WEDNESDAY, March 15.

The **SPEAKER** laid before the House a letter from the Secretary of War, transmitting statements of the sums which have been actually paid, since the peace establishment, to the general officers and their staff, specifying particularly on what account, to whom, and when paid, rendered in obedience to the resolution of the 7th of January last; which was ordered to lie on the table.

On motion of Mr. **HOOKS**, the Committee were instructed to inquire into the expediency of having buoys placed on certain parts of the coast and inlets of the State of North Carolina, to direct vessels in to the different channels.

Accompanying the above resolution, is a letter from the Governor of North Carolina to Mr. **HOOKS**, enclosing a report of the civil engineer of that State, showing the necessity of placing buoys on its coast and inlets.

On motion of Mr. **RANKIN**, the Committee of Commerce were instructed to inquire into the expediency of establishing a port of entry at the mouth of Pascagoula, in the State of Mississippi.

On motion of Mr. **SHAW**,

Resolved, That the Secretary of the Navy be directed to lay before this House the amount of money received under the act providing for the deduction of two per cent. from the sale of prizes captured by private armed vessels, and condemned under the laws of the United States of America, for the benefit of the disabled officers and seamen of such private armed vessels;

also the number of invalids, together with the amount of the pensions charged upon that fund, as well as the amount paid to the widows and children of such officers and seamen, slain in such service, and the amount of the balance, if any, remaining in the hands of the Treasurer, of the above fund unapplied.

Mr. **SLOCUMB** moved that the House do now proceed to consider the joint resolution submitted by him on the 6th instant, to fix the period for the termination of the present Congress. The motion was negatived.

Bills from the Senate of the following titles, to wit: 1. An act for the relief of Mary Cassin, widow and administratrix of Patrick Cassin, deceased; 2. An act for the relief of Robert Swartwout; and, 3. An act for the relief of Rosalie P. Deslonde; were severally read twice and referred, the first and third to the Committee of Claims, and the second to the Committee of Ways and Means.

An engrossed bill, entitled, "An act making appropriations for the military service of the United States for the year 1820," was read the third time, and passed.

GENERAL APPROPRIATION BILL.

The remainder of the day was spent in Committee of the Whole, on the appropriation bill for the payment of the civil list.

Considerable discussion took place on some of the items of the bill; particularly on that appropriating the salary of a thousand dollars to the reporter of the decisions of the Supreme Court. A motion to strike out that clause failed by a large majority.

The Committee had not gone through the bill at half-past three o'clock, when the Committee rose, reported progress, and obtained leave to sit again.

THURSDAY, March 16.

Mr. **BEECHER**, from the Committee on the Judiciary, reported "A bill to authorize the Secretary of State to cause the laws of Michigan Territory to be printed and distributed;" which was read twice, and ordered to be engrossed, and read a third time to-morrow.

On motion of Mr. **ERVIN**, the Committee on the District of Columbia were instructed to inquire into the expediency of so far altering the law for selling real estate for taxes, in the said District, as to allow to minors the right of the equity of redemption, two years after they shall have attained the age of twenty-one years, by complying with the conditions now required by law.

Mr. **FOOR** submitted the following resolution:

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of repealing, or amending the act, entitled "An act to regulate and fix the compensation of the clerks in the different offices," passed April 20, 1818.

The resolution being read, was amended, by striking out the Committee of Ways and Means, and inserting a select committee; and the question being taken on agreeing to the said resolution, as amended, it was determined in the negative.

MARCH, 1820.

General Appropriation Bill.

H. OF R.

GENERAL APPROPRIATION BILL.

The remainder of the day was occupied in debate on the civil appropriation bill; and chiefly on the clause which proposes an appropriation of one hundred and forty-one thousand dollars "for completing the contracts for constructing the road from Washington, Pennsylvania, to Wheeling, made during the year 1817."

On this there was a rather animated debate; Mr. SLOCUMB having moved to strike it out of the bill. The objections to it were, principally, 1. To the power of Congress to construct roads at all; and, 2. To the nature of the contracts, some of which it was suggested had originated in collusion and fraud.

After deciding the question on Mr. SLOCUMB'S motion in the negative, the Committee rose, and the House adjourned.

FRIDAY, March 17.

Mr. SAMPSON presented a petition of Moses Elias Levy, stating that he has lately arrived in the United States, and intends to become a citizen thereof, as soon as the laws upon the subject of naturalization will permit; and praying that he may, in the mean time, be authorized to purchase and hold real estate in the territories of the United States.—Referred to the Committee on Public Lands.

Mr. WILLIAMS, from the Committee of Claims, to whom was referred the bills from the Senate of the following titles, to wit: "An act for the relief of Frederick Goetz and Carl W. Westphal, and of the heirs of Abraham Neppes, deceased;" and "An act for the relief of Gabriel Godfroy," made reports thereon, and recommending that the said bills be postponed indefinitely.

The said bills and reports, severally, were ordered to lie on the table.

Mr. WILLIAMS also reported the bill from the Senate, entitled "An act for the relief of Mary Cassin, widow and administratrix of Patrick Cassin, deceased," without amendment, and the bill was committed to a Committee of the Whole to-morrow.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to whom was referred the bill from the Senate, entitled "An act for the relief of Robert Swartwout," reported the same without amendment, and it was committed to a Committee of the Whole to-morrow.

Mr. ROBERTSON submitted the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress be, and the same is hereby, given to a compact, or agreement, made and concluded by and between the States of Kentucky and Tennessee, at Frankfort, in Kentucky, on the second day of February, 1820, to adjust and establish the boundary line between them, and for other purposes.

The resolution was read twice, and ordered to lie on the table.

An engrossed bill to authorize the Secretary of

State to cause the laws of Michigan Territory to be printed and distributed, was read the third time, and passed.

A Message was received from the PRESIDENT OF THE UNITED STATES, which is as follows:

To the House of Representatives of the United States:

It being stipulated by the fourth article of the articles of agreement and cession, entered into on the 24th of April, 1802, with the State of Georgia, that the United States should, at their own expense, extinguish, for the use of that State, as soon as it might be done on reasonable terms, the Indian title to all lands within its limits; and the Legislature of Georgia being desirous to make a further acquisition of said lands at this time, presuming that it may be done on reasonable terms; and it being also represented that property of considerable value, which had been taken by the Creek and Cherokee Indians from citizens of Georgia, the restoration of which had been provided for by different treaties, but which has never been made, it is proposed to hold a treaty with those nations, and more particularly with the Creeks, in the course of this Summer; for the attainment of these objects, I submit the subject to the consideration of Congress, that a sum adequate to the expenses attending such a treaty may be appropriated, should Congress deem it expedient.

JAMES MONROE.

WASHINGTON, March 17, 1820.

The Message was read, and ordered to lie on the table.

Another Message was received from the PRESIDENT OF THE UNITED STATES, which is as follows:

To the House of Representatives:

I transmit to Congress a report from the Secretary of the Treasury, accompanied with statements of the annual expenditures made in the construction of the road leading from Cumberland, in the State of Maryland, to the State of Ohio, from the year 1806 to the year 1820.

JAMES MONROE.

WASHINGTON, March 17, 1820.

The Message was read, and also ordered to lie on the table.

GENERAL APPROPRIATION BILL.

The House again resolved itself into a Committee of the Whole, on the appropriation bill for defraying the civil expenses of the Government.

Mr. CORB, of Georgia, moved to amend the same, by inserting the following appropriation:

"For holding a treaty with the Creek and Cherokee nations of Indians, for the purpose of procuring a further extinguishment of the Indian title to all the lands within the limits of Georgia, pursuant to the fourth condition of the first article of the articles of agreement and cession concluded between the United States and the State of Georgia, on the 24th day of April, 1802, the sum of thirty thousand dollars."

Mr. CORB followed his motion with the following remarks:

Mr. Chairman, although the subject-matter of the motion just submitted may excite but little interest in the Committee, on account of its local application, yet it is one of very great importance to the State of Georgia. It is the same which

H. OF R.

General Appropriation Bill.

MARCH, 1820.

was submitted by me a few days past, during the discussion of the military appropriation bill, but which was withdrawn, from a suggestion that it could be attached to this bill with greater propriety. Uninteresting as my remarks may prove, I ask the patient indulgence of the Committee to a plain statement of facts, showing not simply the propriety of the appropriation, but an undoubted obligation on the General Government to accomplish the purposes for which it is asked, as soon as possible. If this obligation is not shown, I shall not expect my motion to succeed.

The object of the appropriation is to defray the expenses of a treaty or treaties with the Creek and Cherokee Indians, for obtaining an extinguishment of their title to all the lands within the limits of Georgia, according to the stipulations of the agreement referred to in the motion. From the public prints my colleagues and myself have learned that this subject has engaged the serious attention of the Legislature of the State of Georgia, at their late session, and that a memorial has been addressed by that body to the Executive of the United States, remonstrating against a longer delay in fulfilling this agreement. Although it would seem, from the terms in which this document is mentioned in the newspapers, that the Senators and Representatives from Georgia were required to afford their aid in giving to it some effect, it is acknowledged on my part, and I presume I may make the same acknowledgment for the whole delegation, that no notice of its transmission has been received, either from any person in the State of Georgia, or at this place. But a knowledge, however derived, that the Legislature of Georgia have acted upon this subject, is deemed of sufficient authority by me for bringing the claims of that State before Congress, which is the only branch of the Government before which I could venture to offer them, without being deemed officious. It is true that claims from Georgia have not heretofore met with the most favorable reception even from Congress, but this circumstance shall not deter me from discharging my duty.

At the close of the Revolutionary war, and indeed at a much later period, the State of Georgia found herself possessed of an extensive territory, with very limited pecuniary resources, and a population inconsiderable as to numbers. In addition to the extent of surface now embraced within her boundaries, she claimed, by an undoubted title, all that fine region of country now forming the States of Mississippi and Alabama, with the exception of that portion of West Florida which has been added to them. By the adoption of the Federal Constitution, in common with the other States, she imposed upon herself a prohibition to make war, or conclude treaties, and thus lost the power to extinguish the Indian title to the lands she thus claimed, by conquest or purchase; and it is worthy of remark, that, after this event, the General Government never did extinguish the Indian title to one acre of her lands for her benefit, until after the conclusion of the articles of agreement and cession. The consequence was, that her popula-

tion and resources were but little increased for a period of fifteen years. Her wish, united with her inability, to increase them, induced her to yield to the invitation of the Government of the Union, and on the 24th April, 1802, the cession was made. It is true that, in this instrument, another consideration (\$1,250,000) is mentioned. But it will not be contended that this inconsiderable sum can be declared an adequate price for the relinquishment of a territory so extensive and valuable. Indeed, it is mentioned in the first condition of the first article, that this sum was paid by the United States "as a consideration for the expenses incurred by the State of Georgia in relation to the said territory." How and upon what account these expenses were incurred, I am not fully informed, nor is it necessary to be shown. That considerable debts were contracted, and that some of them probably yet remain unpaid, I have strong reasons to believe. There can be no doubt that the leading consideration was that which I have mentioned—a desire to extend the bounds of her white population, and thus to increase her strength and her respectability in the Union.

To judge simply by the face of the map, it would appear that the State of Georgia yet has an extent of territory reserved to herself equal, or nearly equal, in square miles to any other State in the Union. This is admitted. But let it not be thence inferred that she will be equally rich and populous. Fully one-half, and perhaps more, of that surface, is of that description of land called pine barren, and is remarkable only for its poverty. Another portion is too mountainous and sterile to admit of a dense population. Perhaps, also, it may not be generally understood in the Committee, that the Indian title to fully one-half, and probably the most valuable half, of the lands within the boundaries of the State is yet unextinguished. Fully two-thirds of the part to which it has been extinguished is of the description I have mentioned, to wit: a wild barren waste of pine lands, or mountain peaks and ridges not more susceptible of cultivation. Her valuable lands are yet possessed by the Indians. To these circumstances are to be attributed the small population of the State, and the paucity of her Representatives on this floor. Surpassed in extent of surface by few other States, Georgia is yet called one of the small States. The Committee will be able to judge whether she intended to fix upon herself this title, after hearing the following portion of the articles of cession read. The fourth condition of the first of those articles is as follows:

"That the United States shall, at their own expense, extinguish, for the use of Georgia, as early as the same can be peaceably obtained on reasonable terms, the Indian title to the county of Tallassee; and the lands left out by the line drawn with the Creeks, in the year 1798, which had been previously granted by the State of Georgia, both which tracts had formerly been yielded by the Indians, and to the lands within the forks of Oconee and Oakmulgee rivers, for which several objects the President of the United States has directed that a treaty should be immediately held with the Creeks, and that the United

MARCH, 1820.

General Appropriation Bill.

H. of R.

States shall, in the same manner, also extinguish the Indian title to all the other lands within the State of Georgia."

Before I proceed further, to inquire whether the United States have fulfilled, as far as they could, this condition, it may not be improper to mention that the "county of Tallassee" was a strip of pine barren land of little value. "The land left out by the line drawn with the Creeks in 1798" was another strip of about thirty miles in length and four in breadth, also of little value. Although once yielded by the Indians, possession of these had been resumed, in consequence of an improper marking of the line between the whites and Indians. The "lands in the forks of Oconee and Ocmulgee rivers" were obtained soon after the execution of the articles, and are the only valuable lands which have been since acquired "for the use of Georgia."

In remarking upon the clause of the article just read, I request the Committee to observe, that in another part of the contract it is called an "express condition," and that the cession of territory by Georgia is declared to be "subject thereto." Nothing can be more explicit than is the nature and extent of the obligation imposed upon the Government of the United States by this condition. "They shall, in the same manner, that is, "at their own expense," and "as early as the same can be peaceably obtained upon reasonable terms," also extinguish the Indian title to all the other lands within the State of Georgia." The words sufficiently explain themselves, and lead at once to the inquiry, Has this condition been complied with by the Federal Government? Has this obligation been discharged, or even facilities to its speedy discharge created? It is demonstrable that the United States have done neither the one nor the other. A particular reference to the words and terms of all the treaties which have since been held with the Creek and Cherokee Indians would prove more tiresome than instructive. I will only advert to them from memory, promising to give more particular explanations if necessary. With the exception of the treaty or treaties alluded to in the clause as being "directed" for obtaining the lands in the forks of the Oconee and Ocmulgee rivers, no others were subsequently held with the Creek Indians by which any lands were acquired for Georgia until the Treaty of Fort Jackson, in 1814. By that, the United States acquired, for themselves, that fine rich region since formed into the State of Alabama. Could not this obligation of the General Government have then been discharged? Could not an extensive and valuable acquisition have then been obtained, of lands within the limits of Georgia? What cause could have prevented it? If it was thought impolitic that the whole acquisition should be within Georgia, why not a part? Shall I be told that a part was in Georgia? It is true—but such a part! so poor, so barren is its quality, (circumstances that must have been known,) as that, instead of being of use, and valuable, it proved a burden upon the people of the State. If brought into market tomorrow, it would not command a price sufficient

to discharge the expense of surveying it: and it is a fact, that, for this very reason, the Legislature of Georgia have never directed it to be surveyed until within the last year. It may be possible, however, that more could not have been acquired in Georgia. I will not say it could. But I can discover no reason why it could not. Since this period, some other lands have been purchased of the Creeks, but they are too inconsiderable to be further noticed.

With the Cherokees also, various treaties and various purchases of land have been made, but not for the "use of Georgia," or in the fulfilment of the articles of cession. The lands situated in the Great Bend of Tennessee, forming the rich county of Madison, have been purchased. At that time an extinguishment of Indian title to lands in Georgia could have been obtained. The Cherokee land, adjacent to the Georgia frontier, is of a quality inferior to those of Madison county. The Cherokees could, therefore, have had no objection to selling the former in preference to the latter. It may well be doubted, however, whether this contract with Georgia was then even thought of. Since that period other purchases have been made of the Cherokees, but for whom? Partly for Georgia, I admit, but the land is of little value. With the exception of the reservations made in favor of particular Indians, the larger portion of it is unfit for profitable cultivation, and none of it rich. It differs from the land obtained for Georgia, by the Treaty of Fort Jackson, in this—the one is a flat pine barren country; the other scarcely less barren, but mountainous. The purchases of value which have been made are situate, not in Georgia, but in Tennessee, with whom, or whose parent, (North Carolina) no such contract exists, for the extinguishment of the Indian titles. In thus alluding to the acquisition of land made by Tennessee to the evident injury of Georgia, I would not be understood as envying the prosperity of that State; I feel no such envy, nor do the people of the State I in part represent. On the contrary, I but use their own language, in saying that they always rejoice on beholding the rapid march of any of the States to respectability. But, as I have said, by express contract no obligation is imposed upon the United States to extinguish the Indian title to lands in Tennessee; yet it has been rapidly extinguished to the whole of them, with a very small exception, and the population of Tennessee now does, or shortly will, extend from North Carolina to the Mississippi; and after the next census, in all human probability, her representation upon this floor will be double that of Georgia. In adverting to this system of favoritism, (I know no better name for it,) I would do it rather as a fact, by which to show the obligation of the United States, under this contract, to be increased and strengthened, if possible, and not for the purpose of manifesting any jealousy at the rising greatness of that State. It is her duty to promote her own interests in the best manner she can. But I have a right to show, that, in thus contributing to the prosperity of Tennessee, the General Government have forgotten their obligations to

Georgia, who was one of "the good old thirteen States," as they have been called; who aided in the struggle for independence; feebly indeed, but with all the resources she possessed, and who yielded a country almost a little empire in itself for the express purpose of obtaining the means of more speedily acquiring the portion she had reserved for herself. To this very end were the articles of cession concluded. She, however, has the mortification to discover that her exertions have been in vain, or have only retarded the end she had in view. States whose names were scarcely known a few years past, have sprung up around her. Kentucky, Ohio, Illinois, Indiana, and in the very territory she ceded, Mississippi and Alabama, have all been formed and admitted into the Union since the adoption of the Constitution. With an extent of boundary that should place her upon an equality with any, she is likely to be outstripped by all of them. She alone, of all these, seems doomed to be a "small State."

I have, heretofore, inquired whether the United States had increased the facilities to the discharge of their obligation under these articles? I much fear that all the measures they have pursued with Indians have had a contrary tendency. Let us look at the facts. Two-thirds of the Creek nation, and the whole of the Cherokee nation, with one exception, are within the State of Georgia. By wars, and by treaties, the Indians, instead of having been driven from her frontiers have been driven upon them. Urged from the confines of Tennessee, Alabama, and Florida, they are now pent up within that portion of their nation which is in the limits of Georgia, within that very portion to which the United States, eighteen years ago, engaged to extinguish their title. If rumor is to be credited, their numbers are soon to be increased by the Indians of Florida, who are to be removed in the event of the ratification of the late treaty with Spain. I will say no more on this subject, except to call the attention of the Committee to one other act to which the United States are a party; I mean an article of the Treaty of Fort Jackson, upon which I shall leave the Committee to place their own construction. The second article of that treaty is as follows:

"The United States will guaranty to the Creek nation the integrity of all their territory eastwardly and northwardly of the said line, to be run and described as mentioned in the first article."

Now, the Creek territory east and north of this line is, for the most part, in the State of Georgia. To suppose that this article means nothing, would be doing injustice as well to those who negotiated the treaty as to the Government which ratified it. Against whose claims or pretensions, unless those of Georgia are intended, or for what objects, was this "guaranty of integrity of territory" made? It is not my intention to answer the question. The words are plain, and can as well be understood by the Committee as by me. I will only observe that the article has a strange coincidence with other acts of the Government, inspiring a belief that the power of executing its contract with Georgia has been voluntarily placed beyond its control.

At present, I know of no other method by which this condition of the cession, on the part of the United States, can be performed, but by a removal of the Indians. That this measure, under any circumstances, would be good policy, will not be doubted. In 1817, the people of Georgia were inspired with a hope that this would be speedily done, under a treaty concluded with the Cherokees by Governor McMinn, and Generals Jackson and Merriwether. By this an arrangement was made for the removal of a large part of that nation to territory of the United States west of the Mississippi. A part of the nation have removed. The arrangement, substantially, was an exchange of territory. A census was to be taken, and in the proportion of the numbers who might migrate to the west, lands on the east of the Mississippi should be ceded to the United States. However great the hope of substantial benefit the State of Georgia might sustain from this treaty, she has been disappointed in the result. Indeed, the whole arrangement seems to be at an end. Although all the Indians inhabiting the "lower towns" (and, of course, principally in Georgia,) were desirous of removing only twelve months before, it seems by a subsequent treaty, concluded at this place in 1819, that a "greater part of the Cherokee nation" now desire to remain on the east of the Mississippi "in order to commence those measures necessary for their civilization, and the preservation of their nation." It is true that by each of these cessions more lands were yielded by the Indians. But, as usual, the valuable part of them is within other States, with whom the United States have no contract. Unproductive hills and mountains are the portion of Georgia. When she may look forward for the execution of this contract, so necessary for her prosperity, I cannot tell. Of one thing I am certain, if not speedily done, I shall lose all hope of its ever being performed.

The motion was supported also by Mr. CUTHBERT and Mr. ABBOTT of Georgia. Messrs. RHEA, LIVERMORE, and CAMPBELL, also engaged in the debate.

The motion was agreed to by a large majority.

In the progress of the bill, a motion was made to strike out of the appropriation for the expenses of the commission under the 5th article of the Treaty of Ghent, so much as provides a compensation for an agent under that treaty; and, after a short debate, the motion was agreed to without a division.

Mr. WOODBRIDGE moved to amend the bill by introducing an appropriation of twenty thousand dollars, to defray the expenses of extinguishing the Indian title to land in the Territory of Michigan.

The motion was supported by Mr. WOODBRIDGE and Mr. Ross, and was agreed to without a division.

The bill was then reported to the House with sundry amendments; and the question presented itself on concurring in certain of the amendments.

Some discussion took place on several of them.

On the question to concur with the Committee of the Whole in filling the blank for the appropriation of one hundred and forty-one thousand dol-

MARCH, 1820.

Revolutionary Pensions.

H. OF R.

lars, to be applied to the payment for contracts made in the year 1817 for making the great Cumberland road, the yeas and nays were taken, and stood—for the appropriation, 90; against it, 66; as follows:

YEAS—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Virginia, Bayly, Beecher, Bloomfield, Brown, Brush, Butler of Louisiana, Campbell, Case, Cobb, Cook, Crawford, Crowell, Culpeper, Cushman, Cuthbert, Darlington, Davidson, Eddy, Ervin, Fisher, Fuller, Fullerton, Gross of New York, Guyon, Hall of Delaware, Hardin, Hazard, Hendricks, Herrick, Hibbsman, Hill, Holmes, Hostetter, Jones of Virginia, Jones of Tennessee, Kent, Kinsey, Lathrop, Little, Lincoln, Lowndes, Lyman, Maclay, McCreary, McLane of Delaware, McLean of Kentucky, Mason, Mercer, Metcalf, Murray, Neale, Nelson of Massachusetts, Newton, Patterson, Philson, Pinckney, Pindall, Pitcher, Plumer, Rankin, Reed, Rich, Robertson, Ross, Sergeant, Silsbee, Simkins, Sloan, Smith of New Jersey, Smith of Maryland, B. Smyth of Virginia, Stevens, Storrs, Street, Strong of New York, Swearingen, Tarr, Terrell, Tomlinson, Trimble, Tucker of Virginia, Van Rensselaer, Wallace, Warfield, and Williams of Virginia.

NAYS—Messrs. Adams, Allen of Massachusetts, Baker, Baldwin, Barbour, Bateman, Boden, Bryan, Buffum, Burwell, Butler of New Hampshire, Cannon, Clagett, Clark, Cocke, Crafts, Dennison, Earle, Edwards of Connecticut, Edwards of North Carolina, Fay, Floyd, Folger, Foot, Ford, Forrest, Gross of Pennsylvania, Hall of New York, Hall of North Carolina, Heister, Hooks, Johnson, Kendall, Kinsley, Linn, McCoy, Mallary, Marchand, Meigs, R. Moore, S. Moore, Morton, Nelson of Virginia, Overstreet, Parker of Massachusetts, Parker of Virginia, Phelps, Randolph, Rhea, Richards, Richmond, Rogers, Russ, Sampson, Settle, Shaw, Slocumb, Smith of North Carolina, Strong of Vermont, Strother, Tompkins, Tracy, Tucker of South Carolina, Wendover, Williams of North Carolina, and Wood.

So the appropriation was concurred in.

Objection was made to the appropriation of six thousand dollars for paying to Mr. Trumbull the third payment on account of his contract for four National Paintings; on the delivery of the second of which, now nearly completed, this money *will* be payable to him. The principal objection to the appropriation was, that the money is *not yet* due.

The appropriation passed, in the end, by 76 votes to 54; and the bill was ordered to be engrossed for a third reading.

SATURDAY, March 18.

On motion of Mr. CROWELL, the Committee on Commerce were instructed to inquire into the expediency of establishing a lighthouse on Mobile Point, in the State of Alabama.

On motion of Mr. ANDERSON, a committee was appointed to inquire into the expediency of providing by law more effectually for reclaiming persons held to service or labor in one State, and escaping therefrom into another State, and that the Committee have leave to report by bill, or otherwise; and Messrs. ANDERSON, PINDALL, and STORRS, were appointed the said committee.

The bill from the Senate to suspend, for a further time, the sale or forfeiture of lands for failure in completing the payments thereon, was reported by Mr. ANDERSON, from the Committee on the Public Lands, without amendment.

After some conversation between Messrs. COBB, HENDRICKS, MCCOY, and TAYLOR, as to the proper course to be given to it, whether it should be committed, read a third time at once, or laid on the table; the last course was adopted, yeas 66, nays 52, and the bill was laid on the table.

Mr. ANDERSON, from the Committee on the Public Lands, to whom had been referred the bill to change the mode of disposing of the public lands, (from credit to cash, &c.,) reported the same with amendments.

[The amendments propose to strike out all that part of the bill which changes the sales from credit to cash payments.]

After a short discussion, as to the proper disposition of the bill, it was committed to a Committee of the Whole.

The engrossed bill making appropriations for the support of Government for the year 1820, was read the third time, passed, and sent to the Senate for concurrence.

The bill making appropriations for the centre building of the Capitol, and for other purposes, passed through a Committee of the Whole, the sums inserted by the Committee, (\$111,789 for the centre building,) agreed to by the House, and the bill was ordered to be engrossed for a third reading.

REVOLUTIONARY PENSIONS.

The House then resolved itself into a Committee of the Whole, on the bill to amend the act of March 18th, 1818, providing pensions for persons engaged in the land and naval service in the Revolutionary war. This bill provides—

SEC. 1. That to all persons who are now, or may hereafter be, placed on the pension list of the United States by virtue of the act of the 18th of March, 1818, there shall be paid the following sums, to wit: to every officer who served for the term of nine months, and for a term less than three years, the sum of two hundred and forty dollars per annum, to be paid for and during the term of three years only; to those who served for the term of three years or longer, the sum of two hundred and forty dollars per annum, to be paid for and during the term of three years only; and afterwards, during life, the sum of one hundred and eighty dollars per annum; to every non-commissioned officer, musician, mariner, marine, or private soldier, who served for the term of nine months, and for a term of less than three years, ninety-six dollars per annum, to be paid for and during the term of three years only; to those who served for the term of three years or longer, ninety-six dollars per annum, to be paid for and during the term of three years only; and afterwards, during life, seventy-two dollars per annum: *And, provided,* That the sums already paid to any pensioner under the said act, shall be considered as constituting part of the sums directed to be paid as aforesaid.

SEC. 2. That the pensions allowed by virtue of the act of 1818 shall be paid to such persons only as shall, in addition to the oath required by that act, take and subscribe, in open court, in the county in which they reside, the following oath: "I, A B, do solemnly swear

H. OF R.

Revolutionary Pensions.

MARCH, 1820.

that I was a resident citizen of the United States, on the 18th day of March, 1818; and that I have not, since the said 18th of March, disposed of my property, or any part thereof, except for the necessary support of myself, (or myself and family, as the case may be,) or in the payment of my just debts, and that I do not now possess, nor have I power to command the means for obtaining for myself (or myself and family, as the case may be,) a comfortable support for the time being. So help me God." The original of which said oath shall be filed in the office of the clerk of the county, for the inspection of grand jurors and others, and a certified copy transmitted to the Secretary of War: and the court shall have direction either to prevent or refuse the oath, as the facts shall appear to justify; the party taking the oath, to be subject to the pains and penalties of perjury for false swearing. And in every case where the pensioner is insane, and incapable of taking an oath, a certificate of the facts, under the direction of the court, shall be deemed equivalent to the above recited oath.

Mr. BLOOMFIELD rose, and, after stating the contemplated effect of this bill, entered into a particular history of the progress of the act of 1818, through the two Houses, the different features it assumed, and its ultimate shape, compared with the bill originally reported by the committee, of which he was chairman, to show that that committee are innocent of having produced the embarrassments which had grown out of that act. To try the question whether the House was willing to repeal the existing act, he concluded by moving to strike out the first section of the bill.

Mr. CANNON moved to amend the section, by striking out all that part of the first section which allows to officers higher pensions than what is allowed to privates. It would be perceived, Mr. C. said, that the object of this amendment was to place the officers of the Revolutionary army, on the same footing as the soldiers of the Revolutionary army. He had no wish to repeal the act, but this bill contained a principle—that of discrimination—which he could not reconcile to his mind; any other mode would be better than this—they were all citizens and were all entitled, in an act of bounty, to an equal quantum of relief, and to enforce this opinion Mr. C. argued at some length. Mr. C. however, waived his motion to give way for an amendment, which Mr. BARBOUR intimated his intention to offer, which embraced what Mr. C. had in view.

Mr. BARBOUR then submitted, by way of amendment, the following provisions, in lieu of those contained in the bill:

Be it enacted, &c., That every person who now is, or hereafter may be, placed on the pension list of the United States, by virtue of an act of Congress, entitled "An act to provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war," passed the 18th of March, 1818, who served for the term of nine months, and for a term less than three years, shall, so soon as he shall have received the amount of two years' pension, as allowed him by the said act, be forthwith stricken from the pension roll; and every person who now is, or hereafter may be, placed on the pension list of the United States, under the act aforesaid, who served for the term

of three years, or longer, shall be entitled to receive the amount of the pension allowed him by said act, for the term of two years, from the date of his declaration, and afterwards, during life, — dollars per annum.

SEC. 2. *And be it further enacted,* That no person who now is, or hereafter may be, placed on the pension list of the United States, by virtue of the act aforesaid, shall hereafter receive any part of the provision to which he may be entitled by the said act, as amended by the provisions of this, which shall be due and payable after that which became due 4th March, 1820, until he shall have exhibited to some court of record in the county, city, or borough, in which he resides, a schedule, subscribed by him, containing his whole estate, (wearing apparel excepted,) and shall have, before the said court, taken and subscribed the following oath or affirmation, to wit: "I, A B, do solemnly swear or affirm, (as the case may be,) that I was a resident citizen of the United States on the 18th day of March, 1818, and that I have not, since that time, by gift, sale, or in any manner whatever, disposed of my property, or any part thereof, with intent thereby so to diminish it, as to bring myself within the provisions of an act of Congress, entitled "An act to provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war," passed the 18th March, 1818; and that I have not, nor has any person in trust for me, any property; nor have I any securities, contracts, or debts due to me, other than what is contained in the schedule now delivered, and by me subscribed"—nor until the person applying for payment of a pension, shall produce to the Secretary of War a copy of the aforesaid schedule and oath or affirmation, duly certified by the clerk of the court to which the said schedule was delivered, and before which the said oath or affirmation was taken and subscribed, together with the opinion of the said court, also certified by their clerk, of the value of the property contained in the said schedule: *Provided,* That in every case in which the pensioner may be insane, the court may receive said schedule without the aforesaid oath or affirmation, from the committee or other person authorized to take care of such insane person.

SEC. 3. *And be it further enacted,* That the original schedule, and oath or affirmation, shall be filed in the clerk's office of the court, to which the schedule should be exhibited, and before which the said oath or affirmation shall be taken and subscribed; and any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wicked and corrupt perjury.

SEC. 4. *And be it further enacted,* That the act to which this is an amendment, shall be so construed as that no person shall be entitled to its provisions, whose property is of the value of — dollars, which value shall be taken from the estimation of the court, to which the schedule shall exhibited, and which is heretofore required to be certified to the Secretary of War.

SEC. 5. *And be it further enacted,* That so much of the act of the 18th of March, 1818, entitled "An act to provide for certain persons in the land and naval service of the United States in the Revolutionary war" as is inconsistent with the provisions of this act, shall be and the same is hereby repealed.

Mr. BARBOUR explained to the Committee the substantial object of his amendment. The first object, as would be seen by the first section, was

MARCH, 1820.

Revolutionary Pensions.

H. OF R.

to repeal the law, as to all those who had served for a term less than three years after they shall have received their pensions for two years, and to continue pensions for life to all those who had served three years and upwards, to officers and soldiers an equal sum, after they also shall have received two years' pension according to the act of 1818.

Mr. B. then proceeded to state a good deal at large the inducements which operated on him in voting for the act of 1818. He had voted for that law under the best feelings. He was willing to do an act of benevolence; and he had been influenced, he confessed, not a little by the impressive language of his honorable friend from New Jersey. (Mr. BLOOMFIELD,) who had himself been a conspicuous actor in the scenes of the Revolution, and who had introduced and advocated the bill of 1818; but in giving his sanction to that act of benevolence, Mr. B. had no idea that it would produce so vast a consumption of the public resources. According to the report of the committee of 1818, it was expected that the maximum of pensions to be allowed would be about two hundred thousand dollars; but what was the fact? It was now found that they exceeded that amount by about *fifteen times*. Mr. B. was then, and was yet, willing to perform towards the soldiers of the Revolution an act of benevolence, but not at a cost which the nation was not prepared to pay.

As to the proposed repeal being inconsistent with the honor of the nation, or, as was said, inconsistent with a vested right, Mr. B. observed, he was not among those would do any thing that was inconsistent with either, and yet he was prepared to vote for a very considerable modification of the law. He argued that the pensions granted could not be deemed a vested right; that the act was one of gratuitous bounty, and not of justice; because, had it been demanded by justice, it could have known no distinction; that, being an act of charity, it continued at the option of the Government; and this opinion Mr. B. illustrated by various arguments. In voting for this modification he did no violence to the benevolence which dictated the first act, because a man was not bound to extend charity to the injury of his own family. To continue the act unmodified would be injurious and unjust to a large portion of the people of this nation, as it would be necessary to raise the amount required by it by laying taxes either directly or indirectly; and he wished that the state of the Treasury might not be such as to coerce the House into the imposition of direct taxes. Let the Committee, Mr. B. said, cast a look over the country and see if there were not thousands and tens of thousands on whom the tax would fall, who were as poor, and infinitely poorer, than thousands of those pensioners for whom the tax would be laid, &c.

Mr. B. again adverted to the details of his amendment. He had singled out those who had served three years and upwards, because it was they who bore the heat and brunt of the war—the campaigns of '77, '78, and '79—in the fields of Monmouth, of Princeton, of Bennington, of Bran-

dywine, &c. A great part of the nine and twelve months' men, were substitutes, and in addition to their pay from their country, received pay as substitutes—in many cases, he had understood, they were double substitutes, serving successive tours as such. Mr. B. thought all who continued to receive pensions, ought to be put on an equal footing; the sum allowed, he would make sufficient to provide for them food and clothing; further than this, it was utterly impossible for the Government to go. In fixing the allowance, the comfortable subsistence of the individuals was all that could be provided for: he could not think of taking their families into view, or entering into considerations of former affluence, &c. To provide relief with such views, or to that extent, would be beyond the ability of the nation to pay, without resorting to the means before alluded to, of laying taxes on the people, &c. In support of the opinions which he advanced in the course of his remarks, Mr. B. entered into a number of arguments and illustrations which, in this brief notice, cannot be presented.

Mr. CULPEPER was willing to strike out the first section of the bill, not however to accept the substitute offered by Mr. BARBOUR, but to agree to the best provisions to guard against imposition. He wished the act, in other respects, to stand as it was; he would not strike off one cent of what these men were justly entitled to by the existing act. Mr. C. said he knew what it was to be a soldier himself, and to serve when a morsel of bread was a luxury. Many, however, took the benefit of this act who were not entitled to it, and he would do every thing to guard against that abuse; but further he would not go. He was against reducing the officer to the level of the soldier. Their habits were different, Mr. C. said, and their talents, and their wants: the officer was of more value to the country, and it would be a bad example, and injurious hereafter to the interest of the nation to put them on the same footing. He thought the distinction made in the act was a good one, and he would not consent to change it.

Mr. ANDERSON, of Kentucky, avowed himself decidedly opposed to the repeal of the law, and consequently against Mr. BARBOUR's amendment, but he would support every proposition tending to give the act a fair and strict construction; and he would therefore take those parts of Mr. B.'s amendments which went to that object. Mr. A. said he was afraid he might have been wrong in voting for the act of 1818, but he was sure he should be right in voting against its repeal. The bounty had been freely offered and continued two years, and, whether right or wrong originally, he would not withdraw it. He was also opposed to the levelling principle. That feature he had been in favor of when the act was under consideration; but Congress then determined against it—the distinction between officers and privates had existed two years, and he was averse now to disturbing it. Mr. A. said, the bounty had been voluntarily offered by Congress; the soldiers of the Revolution had been invited to come forward and receive this boon at the hands of a grateful country; and would it be generous or becoming, because it was found to

H. of R.

Promulgation of the Laws.

MARCH, 1820.

take more money than was expected, now to revoke the bounty? Mr. A. thought not, and spoke at some length in support of his opinions. He concluded by saying that if the law was defective, or not sufficiently guarded, he would give it additional safeguards; but he would not repeal it, or so modify it as to reduce the allowance of an officer from two hundred and forty to ninety-six dollars.

The Committee then rose, obtained leave to sit again, and the House adjourned.

MONDAY, March 20.

Mr. BUTLER, of Louisiana, presented a remonstrance and memorial of the General Assembly of the State of Louisiana, remonstrating against the existing mode of adjusting claims to land of a particular description in that State, and suggesting sundry improvements in such system; which remonstrance and memorial were referred to the Committee of the Whole to which is committed the "Bill supplementary to the several acts for the adjustment of land claims in the State of Louisiana and Territory of Missouri."

Mr. B. also presented another memorial of the General Assembly of the State of Louisiana, praying a grant of a lot of public land, as a site for a seminary of learning at Point Coupee; and, also, for a grant of forty acres of public land, as a fund to enable the inhabitants of Point Coupee to keep up a certain portion of the adjacent levee; which was referred to the Committee on the Public Lands.

The SPEAKER laid before the House a report of the Secretary of War upon the petition of William Esenbeck, referred to him on the 10th instant; which was ordered to lie on the table.

Mr. SILSBEE, from the Committee on Naval Affairs, reported a bill to amend the act entitled "An act authorizing the employment of an additional naval force;" which was read twice, and committed to a Committee of the Whole, to-morrow.

On motion of Mr. SMITH, of Maryland, the Committee on Military Affairs were instructed to consider the expediency of providing by law for the payment of a gun and gun-carriage, taken by the enemy and destroyed, at the battle of North Point, on the 12th September, 1814.

An engrossed bill, entitled "An act making further appropriations for continuing the work upon the centre building of the Capitol, and other public buildings," was read the third time, and passed.

PROMULGATION OF THE LAWS.

Mr. PINDALL, from the select committee to whom was referred the report of the Secretary of State, of the 7th ultimo, in relation to the publication of the laws in the newspapers, made a report thereon; which was read; when Mr. P., by leave of the House, reported a bill to amend the act entitled "An act to provide for the publication of the laws of the United States, and for other purposes;" which bill was read twice, and ordered to lie on the table. The report is as follows:

The committee to whom was referred the letter of the Secretary of State, of the 7th February, 1820, in relation to the publication of the laws in the newspapers, report: That the act of the 20th of April, 1818, made an unnecessary increase of the compensation payable to the proprietors of newspapers for the publication of the laws. There had been no difficulty in procuring the publication at the price previously established, and it is believed that the Secretary of State, who is now forced by law to give the increased compensation, could, if authorized to use his discretion, have the business performed on as reasonable terms as before the act of 1818.

The committee cannot believe that the act of 2d March, 1799, (since re-enacted and extended to the Territories,) providing for the publication, in one newspaper of each State, and authorizing the publication in three of the papers, when the publication in one should be found insufficient, was passed, under any expectation that the expense of publication in three newspapers of every State would be incurred, or that it would at any time be found requisite to employ two newspapers in each of the towns of New Haven, Wilmington, Lexington, and Natchez, whilst none were employed in Richmond, Fredericksburg, Petersburg, Fredericktown, Lancaster, or Louisville; or that the publication of the laws in the city of Richmond should be suspended, merely that they might be printed in a county adjacent to the District of Columbia, where three newspapers were engaged at the expense of Government in the same business; or that newspapers, scarcely known out of the county in which they were published, and of a very limited circulation within, would have been selected for this purpose; but, that the law has been thus executed, is evidenced by the letter referred to the committee.

Newspaper publication might afford a cheap method in multiplying copies of the public acts. Few, however, in proportion to the whole number of the patrons of the press, read those publications, and still fewer preserve them; and, for all practical purposes, the publication in volumes or pamphlets is found to be more advantageous.

On subjects of great national concern, the interest of popular editors usually will (as it has hitherto done) furnish a sufficient inducement to inform their customers of the transactions of the Government.

The public derives but small, if any, advantage, from the newspaper publication of Indian treaties; although their insertion, as appears by the letter of the Secretary of State, is among the causes of increasing the expenditure for promulgating the laws, from less than five five thousand dollars in 1816, to near twenty thousand dollars in 1820.

The sum payable on each newspaper is, in most instances, sufficiently large to make Government the best customer to the proprietor; and has sometimes been found sufficient to establish or continue small printing establishments in the country. In the opinion of the committee, the present law is not less objectionable by reason of its evident tendency to confer on the State Department a direct patronage and influence (useless or pernicious) over many of the sixty-nine presses which the Government has taken into its employment. But, as the laws in relation to the imposts and public lands, sometimes, on their passage, become of immediate public interest in certain sections of the country, the committee think a modification will be preferable to a repeal of the law.

MARCH, 1820.

Cumberland Road.

H. OF R.

Assuming the estimate of the Secretary of State, it will be found, that, by reducing the number of newspapers to twenty-five, in the States and Territories, and one in the District of Columbia, restoring the old price for the printers, and dispensing with this manner of publishing Indian treaties, the expenditure in relation to the laws of the present session will be reduced from 19,750 dollars, to 4,678 dollars and thirty-four cents; and, with a view to effect that object, the committee herewith report a bill.

CUMBERLAND ROAD.

Mr. STORRS, from the Committee on Roads and Canals, reported the following bill:

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to cause to be erected on the national road leading from Cumberland, in the State of Maryland, to the river Ohio, so many toll-houses, gates, and turnpikes, as in his opinion will be necessary and sufficient to collect the duties and tolls hereafter mentioned, from all persons travelling on the same, to be erected at such places as he shall determine: *Provided*, That the number of such gates and turnpikes shall not exceed twelve, nor be less than six; and such gates and turnpikes shall be erected at a distance not less than ten miles from each other.

SEC. 2. *And be it further enacted*, That, as soon as the said gates and turnpikes shall be erected, the President of the United States is hereby authorized to appoint toll-gatherers to collect and receive, of and from every person or persons using the said road, the tolls and duties hereinafter mentioned, at each of the said gates—that is to say: For each score of sheep or swine, six cents; for each score of cattle, twelve cents; for every chariot, coach, coachee, or phaeton, twenty-five cents; for every stage, wagon, or other four-wheeled carriage for the conveyance of passengers, drawn by four horses, twelve cents; for every cart, sleigh, or sled, drawn by two oxen or horses, six cents; and for every additional horse or ox, two cents; for every wagon drawn by two horses, eight cents; and for every additional horse, four cents; for each person and horse, six cents; for each chaise, sulky, or one-horse wagon, six cents. And it shall be lawful for any of the toll-gatherers to stop any person or persons riding, leading, or driving, any horses, cattle, sheep, swine, sulky, phaeton, coach, coachee, chariot, chaise, cart, wagon, sleigh, or other carriage, of burden or pleasure, from passing through the gates or turnpikes, until he or they shall have respectively paid the toll above specified: *Provided*, That nothing in this act shall be construed so as to authorize any tolls to be received or collected from any person passing to or from public worship, or to or from his common business on his farm, or to or from a funeral, or to or from a mill: *And provided, further*, That no toll shall be received or collected for the passage of any wagon or carriage laden with the property of the United States; or any cannon or military stores belonging to the United States, or any of the States composing this Union; or any person or persons on duty in the military service of the United States; or the militia of any of the States.

SEC. 3. *And be it further enacted*, That, if any of the toll-gatherers shall unreasonably delay or hinder any passenger or traveller at any of the gates, or shall demand or receive more toll than is by this act established, he shall, for each and every such offence, forfeit and pay to the party so aggrieved the sum of ten dollars.

SEC. 4. *And be it further enacted*, That if any person who shall use the said road, shall, with a view to evade the payment of the tolls required by this act, leave the said road, and go round the said gates, every such person shall, for every such offence, forfeit and pay to and for the use of the United States the sum of twelve dollars.

SEC. 5. *And be it further enacted*, That the toll-gatherers on the said road shall respectively receive compensation for their services at the rate of twelve per centum on the amount of tolls by them respectively received: *Provided*, That the annual compensation of any toll-gatherer shall never exceed the sum of three hundred and fifty dollars; nor shall the same be less in any one year than one hundred and twenty dollars. And, in case of any deficiency in the amount collected by any toll-gatherer below the sum of one hundred and twenty dollars, the residue shall be paid out of the tolls collected at the other gates on said road.

SEC. 6. *And be it further enacted*, That the amount of tolls collected on said road shall be paid into the Treasury of the United States semi-annually, by the toll-gatherers on said road, and a separate account kept thereof; and the said moneys, after deducting therefrom the expenses and charges of collecting the same, shall be applied, under the direction of the President of the United States, to the repairs and preservation of said road, in such manner and under such regulations as he may prescribe, and to no other purpose whatever.

The bill having been read, and its second reading being in due course proposed, Mr. BARBOUR moved to reject the bill.

This motion gave rise to a short debate, in the course of which it was supported by Messrs. BARBOUR and RANDOLPH, and opposed by Messrs. HARDIN, LIVERMORE, and B. SMITH.

In general, the motion to reject the bill was supported on the ground that the question which it involved had been as much discussed as any ever presented to the view of the Legislature; that the discussions and solemn decisions had gone forth to the world; that the mind of every member was made up on it, and therefore there was no need of delay for reflection; and that the principle of the bill was, in the opinion of the advocates of its rejection, so obnoxious that it ought not to be entertained by the House for a moment.

The motion to reject was opposed on the ground that the question was one of much importance, and ought not to be hastily disposed of; that the preservation of a national work which has already cost so much money was an object of importance, if within the Constitutional power of Congress; that, in fact, the question involved in the bill had never yet been decided by Congress; that, being but this day presented, it would be unreasonable to call upon the House to say it was so odious they would not look at it.

The question on the motion to reject the bill was then put, in this form—"Shall this bill be rejected?" on which the votes were as follow:

YEAS—Messrs. Adams, Alexander, Allen of New York, Archer of Virginia, Ball, Barbour, Bayly, Bryan, Burwell, Clagett, Cobb, Cook, Earle, Edwards of Pennsylvania, Edwards of North Carolina, Floyd, Folger, Foot, Forrest, Hall of North Carolina, Holmes,

H. OF R.

Revolutionary Pensions—Public Buildings.

MARCH, 1820.

Hooks, Johnson, Kent, McCoy, McCreary, Meigs, Neale, Nelson of Virginia, Parker of Virginia, Phelps, Randolph, Rhea, Richards, Sampson, Settle, Shaw, A. Smyth of Virginia, Smith of North Carolina, Strother, Swearingen, Tucker of Virginia, Tucker of South Carolina, Walker, Warfield, Williams of Virginia, and Williams of North Carolina—47.

NAVS.—Messrs. Abbot, Allen of Tennessee, Baldwin, Bateman, Beecher, Bloomfield, Boden, Brush, Butler of New Hampshire, Butler of Louisiana, Campbell, Cannon, Case, Clark, Cocke, Crafts, Crawford, Crowell, Culpeper, Cushman, Cuthbert, Darlington, Davidson, Dennison, Dewitt, Dickinson, Dowse, Eddy, Edwards of Connecticut, Fay, Fisher, Ford, Fuller, Fullerton, Gross of New York, Gross of Pennsylvania, Hackley, Hall of New York, Hall of Delaware, Hardin, Hazard, Hendricks, Herrick, Hibshman, Hill, Hostetter, Jones of Tennessee, Kendall, Kinsey, Kinsley, Lathrop, Little, Lincoln, Linn, Livermore, Lowndes, Lyman, Maclay, McLane of Del., McLane of Ky., Mallary, Marchand, Mason, Meech, Mercer, Metcalf, R. Moore, S. Moore, Monell, Morton, Murray, Nelson of Massachusetts, Newton, Parker of Massachusetts, Patterson, Philson, Pindall, Pitcher, Plumer, Rankin, Reed, Rich, Richmond, Ringgold, Rogers, Ross, Russ, Silsbee, Simkins, Sloan, Slocumb, Smith of New Jersey, Smith of Maryland, B. Smith of Virginia, Southard, Stevens, Storrs, Street, Strong of Vermont, Strong of New York, Tarr, Taylor, Terrell, Tomlinson, Tompkins, Tracy, Trimble, Upham, Wallace, Wendover, and Wood—111.

The said bill was then read the second time, and committed to a Committee of the Whole to-morrow.

REVOLUTIONARY PENSIONS.

The remainder of the day was occupied in debating the bill for amending the pension law, and the proposition of Mr. BARBOUR to substitute for it a different bill. **MESSRS. REID, HILL, FULLER, TRIMBLE, BARBOUR, LIVERMORE, and BLOOMFIELD**, engaged in the bill; among whom Mr. HILL, Mr. FULLER, and Mr. LIVERMORE, earnestly opposed any invasion of the principle of the present pension law, though willing to make any necessary amendment to its details. Mr. FULLER spoke on the subject considerably at large.

Before coming to any decision on the subject, the Committee rose, and reported progress, and the House adjourned.

TUESDAY, March 21.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, made a report on the petition of Thomas C. Withers, accompanied by a bill for his relief; which bill was read twice, and committed to a Committee of the Whole to-morrow.

Mr. STORRS, from the Committee on Roads and Canals, to whom was referred the communication from the Secretary of the Navy, on the 19th of January last, and the petition of the inhabitants of the borough of Erie, in the State of Pennsylvania, relative to the improvement of the harbor of Erie, made a report thereon; which was read, and the resolution therein contained was concurred in by the House, as follows:

Resolved, That the Committee on Roads and Canals be discharged from the further consideration of the communication to this House from the Secretary of the Department of the Navy on the 18th day of January last, and the petition of the inhabitants of the borough of Erie, in the State of Pennsylvania, relative to the improvement of the harbor of Erie.

Mr. STORRS, from the same committee, to whom was also referred the petitions of sundry inhabitants of the State of Pennsylvania, the inhabitants of the counties of Jefferson, Oneida, and Oswego, in the State of New York, sundry inhabitants of the District of Maine, and of the President and Directors of the Milford and Owego Turnpike Company, respectively praying the aid of Congress in the construction and improvement of certain roads, made a report thereon; which was read, and the resolution therein contained was concurred in by the House, as follows:

Resolved, That the Committee on Roads and Canals be discharged from the further consideration of the said petition.

Mr. SOUTHARD, from the Committee on Indian Affairs, to which was referred the bill from the Senate, entitled "An act for the better regulation of the trade with the Indian tribes," reported the same, without amendment, and it was committed to a Committee of the Whole to-morrow.

PUBLIC BUILDINGS.

Mr. MEIGS, from the Committee on the Expenditures on the Public Buildings, made a report in obedience to the resolution instructing them to ascertain whether the expenses upon the public buildings cannot be lessened without arresting their progress; as also, upon the subject of the said buildings generally; which report was read, and ordered to lie on the table. The report is as follows:

The Committee on the Expenditures upon the Public Buildings respectfully report:

That they have, in pursuance of their duty generally, and in obedience to the resolution of the House of Representatives, requiring the committee to ascertain whether the expenses upon the Public Buildings cannot be lessened without arresting their progress, made such inquiries as seemed to the committee necessary to attain the requisite information. That the paper annexed, marked A, containing an account of the expenditures from the 13th of February, 1815, to the 1st of January, 1820, was, at the request of the committee, rendered to them by Samuel Lane, the Commissioner of Public Buildings. This statement exhibits an expenditure of one million four hundred and ninety-one thousand three hundred and sixty-three dollars and twenty-four cents, of which nearly one million of dollars was expended on repairs of the damage done by the enemy in 1814.

The paper annexed, marked B, also rendered by request, from the Commissioner, exhibits a view of the total expenditures upon the public buildings in the City of Washington, from the commencement to the first day of January, 1820; and also a view of the value and proceeds of the public lands in the District of Columbia. The latter statement is exhibited, in order that the House of Representatives may know the just relation of the national expenditures

MARCH, 1820.

Revolutionary Pensions.

H. OF R.

upon edifices in the District to the national acquisitions in the same. According to this view it appears that the valuation of the public lands, and actual amount of sales, added to donations from the States of Virginia and Maryland, exceed the national expenditure upon public buildings within the District by nearly four hundred thousand dollars.

The committee, having obtained this general information relative to the subject of their appointment, proceeded to ascertain, so far as was in their power, the relative prices of materials, and wages of artists and laborers, at different periods, during the progress of the works done in the District, and present a table thereof, which is annexed, marked C; also a letter from the Commissioner of the Public Buildings, with another table, marked D, in which the estimate of prices of materials is not made for 1820, but it is stated that these are reduced, particularly the price of brick. The wages of workmen are here estimated much lower than they have been in former years, as will appear on examining the same.

It does not appear to the committee that lower wages than those exhibited for 1820, can be expected in this District; and the committee believe that the Commissioner has used every exertion in his power to regulate these expenditures, by similar expenses, in Baltimore, Philadelphia, and New York, and has obtained workmen and materials upon as good terms as could reasonably be expected, when it is considered that many of the workmen and some of the materials are not to be obtained, except from distant parts of the country.

The committee have endeavored to make themselves acquainted with the general character of the work which is designed to be bestowed upon the Centre Building of the Capitol, and it appears to them that it cannot properly be conducted with less attention to ornament than is designed, without injury to that fitness of parts which becomes a whole; and they are pleased to find that the principal ornament of this centre work will consist, not of expensive sculpture, but of its simple form, the rotunda. The committee think proper to suggest to the House, however, that, as it is contemplated to form the dome of the centre of brick work, in imitation of the Pantheon at Rome, and as such work will, when added to the great weight of the edifice, require the most serious attention to the foundations of the whole edifice to secure its safety; and as from the examination which the committee have had occasion to make, they feel convinced that these foundations require attention, that it is worthy the consideration of the House, whether effectual means should not be taken to give perfect security, especially on the westerly side of the edifice, by means of walls of sufficient weight and compactness to counteract the apparent tendency of damage to the Capitol in that direction.

This consideration ought to precede the execution of the massive work which is destined to complete the centre building.

The latter suggestion may not appear to fall precisely within the bounds of duty prescribed to the committee, but as the prevention of damage to the Public Buildings will be a saving of expense in the end, they have thought it not proper to omit it.

It appears to the committee desirable that the Capitol should be finished as soon as may be conveniently done with regard to the goodness of the work. It is evident that the unfinished parts are injured every

Winter by that exposure to the weather which they seem unavoidably to sustain. And the prosecution of the work ought to be encouraged by the reflection that the national acquisition in the District approaches so nearly its expenditures, that it may be presumed the total expenditures will not (when the Capitol shall be finished) much, if at all exceed the acquisition, and would not have equalled it, unless that expenditure had been swelled one million, by the ruthless vandalism of the enemy, who applied the torch of destruction to the first national ornaments he approached.

All which is respectfully submitted.

REVOLUTIONARY PENSIONS.

The House then again resolved itself into a Committee of the Whole, on the bill to amend the Revolutionary Pension Law.

Various amendments were offered, proposing all sorts of modifications of the present law; all which were successively rejected.

Until at length a motion was made to strike out the whole of the bill except the enacting clause, so as to leave a blank to be filled with any thing the House should choose.

This motion was agreed to, (at about the usual hour of adjournment,) by a vote of 75 to 41.

The Committee then rose, reported progress, and the Chairman asked the usual leave to sit again. Before it was granted, however, a motion was made to adjourn, and was carried.

WEDNESDAY, March 22.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting statements of the importation of goods, wares, and merchandisc, in American and foreign vessels, and an aggregate view of both, for the year ending on the 30th of September, 1818; which was ordered to lie on the table.

Mr. WILLIAMS, from the same committee, to whom was referred the bill from the Senate, entitled "An act for the relief of Francis B. Languille, made a detailed report thereon, recommending that the said bill be postponed indefinitely; which report was read, and, together with the bill, ordered to lie on the table.

Mr. WILLIAMS, from the same committee, to whom was recommended the bill for the relief of Daniel Converse, with additional testimony, made a further report, accompanied by a bill for the relief of Daniel Converse and George Miller; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. SLOCUMB moved that the House do now proceed to consider the joint resolution submitted by him on the 6th instant, to fix a period for the termination of the present session of Congress. The motion was negatived.

The House took up, and proceeded to consider, the amendment reported on the 2d instant, by the Committee of the Whole, to the bill from the Senate, entitled "An act establishing a circuit court within and for the District of Maine;" and, the said amendment being read at the Clerk's table, was concurred in by the House, and ordered

to be engrossed, and the bill read a third time to-morrow.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of the officers and volunteers engaged in the late campaign against the Seminole Indians;" in which they ask the concurrence of this House.

DUTIES ON IMPORTS.

Mr. BALDWIN, from the Committee on Manufactures, reported a bill to regulate the duties on imports, and for other purposes; which was read, and committed to the Committee of the Whole to which is committed the bill to regulate the payment of duties on merchandise imported, and for other purposes. The bill is as follows:

A Bill to regulate the duties on imports, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the thirtieth day of June, one thousand eight hundred and twenty, the duties heretofore laid by law on goods, wares, and merchandise, imported into the United States, shall cease and determine, and there shall be levied, and collected, and paid, the several duties hereinafter mentioned, that is to say:

First. A duty of $12\frac{1}{2}$ per centum ad valorem on all dying drugs and materials for composing dyes not subject to other rates of duty; gum arabic, gum senegal, saltpetre, jewelry, gold, silver, and other watches, and parts of watches; gold and silver lace, embroidery, and epaulets; precious stones and pearls of all kinds, set or not set; Bristol stones or paste work, and all articles composed wholly or chiefly of gold, silver, pearl, and precious stones; and laces, lace veils, lace shawls, or shades, of thread or silk.

Second. A duty of twenty per centum ad valorem on gold leaf, and on all articles not free, and not subject to any other rate of duty.

Third. A duty of twenty-five per centum ad valorem on hempen cloth, or sail cloth, except (Russia and Holland duck,) printing types, all articles of brass, copper, iron, steel, pewter, lead, or tin, or of which these materials, or either of them, is a competent material; brass, wire, cutlery, pins, needles, buttons, button moulds; buckles of all kinds, japanned wares of all kinds; cannon, muskets, fire-arms, and side-arms, and Prussian blue: *Provided*, That where any person who has imported copper in sheets or plates, shall, within twelve months after such importation, produce to the collector satisfactory evidence that the same was imported subsequently to the thirtieth day of June, one thousand eight hundred and twenty, and that the duties thereon have been paid, and that the same has been actually used in the building or repairing of ships or vessels, there shall be allowed a drawback of the duties herein imposed, in the manner and under the same regulations, as are provided for by the existing laws.

Fourth. A duty of thirty-three per centum ad valorem on woollen manufactures of all descriptions, or of which wool is a component material, and on cotton manufactures of all descriptions, (except of the growth or the manufacture of any place or country beyond the Cape of Good Hope,) or of which cotton is a component material, and on cotton twist, yarn, or thread,

and cotton manufactures of all descriptions, or of which cotton is a component material, the produce or manufacture of, or imported from any place or country beyond the Cape of Good Hope, a duty of forty per centum ad valorem: *Provided*, That all cotton cloths, or cloths of which cotton is a component material, the cost of which at the place whence imported, with the addition of twenty per centum, if imported from the Cape of Good Hope, or from places beyond it, and of ten per centum if imported from any other place, shall be less than twenty-five cents per square yard, shall, with such addition, be taken and deemed to have cost twenty-five cents per square yard, and shall be charged with duty accordingly: *Provided, also*, That all unbleached and uncolored cotton twist, yarn, or thread, the original cost of which shall be less than sixty cents per pound, shall be deemed and taken to have cost sixty cents per pound, and shall be charged with duty accordingly; and all bleached or colored yarn, twist, or thread, the original cost of which shall have been less than seventy-five cents per pound, shall be taken and deemed to have cost seventy-five cents per pound, and shall be charged with duty accordingly; a duty of twenty-five per centum ad valorem on all manufactures of linen, or of which flax is a component material: *Provided*, That all linen cloths, or cloths of which linen is a component material, from whatever place, the cost of which at the place whence imported, with the addition of ten per centum, shall be less than twenty-five cents per square yard, shall, with such addition, be taken and deemed to have cost twenty-five cents per square yard, and shall be charged with duty accordingly.

Fifth. A duty of forty per centum ad valorem on clothing ready made; on all bonnets, hats, and caps, of wool, fur, leather, chip, straw, or silk, or of which either is a component material: *Provided*, That if the same at the place whence imported, with the addition of ten per centum, shall be less than one dollar each, they shall be deemed and taken to have cost one dollar each, and shall be charged with duty accordingly; a duty of thirty per centum ad valorem on all manufactures of silk, from any place or country beyond the Cape of Good Hope; a duty of thirty-five per centum ad valorem on printed books, painted, stained, or colored paper, or paper hangings, clocks, and time-pieces; on umbrellas, parasols, (of whatever material made,) and sticks, stretchers, and other parts, and all furniture for umbrellas and parasols; on bonnets and caps for women, not otherwise enumerated; fans, feathers, ornaments for head dresses, artificial flowers, millinery of all sorts, cosmetics, washes, balsams, perfumes, painted floor cloths, oil cloths, mats of grass, or flags, salad oil, pickles, capers, olives, mustard, comfits, and sweetmeats, preserved in sugar or brandy, confectionery, wafers, cabinet wares, and all manufactures of wood; coach lace, carriages of all descriptions, and all furniture, trimmings, and parts thereof; leather, and all manufactures of leather, or of which leather is a component material; saddles, bridles, harness, parchment, brushes, canes, walking sticks, whips, gilt and plated wares, cut glass, china wares, earthen, crockery, and stone wares; marble, alabaster, and all work or manufactures thereof. And in all cases where an ad valorem duty shall be charged, it shall be calculated on the invoice price of the articles at the place whence imported, or on the estimated price, according to the provisions of this act, (exclusive of packages, commissions, and all charges,) with the usual addition established by law, of twenty per centum on all merchan-

MARCH, 1820.

Duties on Imports.

H. OF R.

dise imported from places beyond the Cape of Good Hope, and of ten per centum on articles imported from all other places, together with the amount of all such bounties, premiums, drawbacks, allowances, or discounts, as may be given, paid, or allowed, in the place or country whence imported; which shall be ascertained and calculated in such manner, and under such rules and regulations as shall from time to time be prescribed by the Secretary of the Treasury.

Sixth. The following duties, severally and specifically: On ale, beer, and porter, in bottles, twenty cents per gallon; on ale, beer, and porter, imported otherwise than in bottles, fifteen cents per gallon; on alum, three dollars per hundred weight; on almonds, four cents per pound; on black glass bottles, two dollars per gross; on boots, two dollars per pair; on bristles, three cents per pound; on playing cards, thirty-five cents per pack; on tarred cables and cordage, four cents per pound; on untarred cordage, yarns, twine, pack thread, and seines, five cents per pound; on tallow candles, five cents per pound; on wax and spermaceti candles, eight cents per pound; on Chinese cassia, ten cents per pound; on cinnamon, thirty-three and one-third cents per pound; on cloves, thirty-five cents per pound; on cheese, nine cents per pound; on chocolate, four cents per pound; on cocoa, three cents per pound; on coal, six cents per heaped bushel; on copperas, two dollars per hundred weight; on copper rods, bolts, spikes, or nails, and composition rods, bolts, spikes, or nails, four cents per pound; on corks, fifteen cents per pound; on coffee, six cents per pound; on cotton, six cents per pound; on currants, four cents per pound; on figs, four cents per pound; on foreign caught fish, one dollar per quintal; on mackerel, one dollar and fifty cents per barrel; on salmon, two dollars per barrel; and on all other pickled fish, one dollar per barrel; on window glass, not above eight by ten inches in size, three dollars per hundred square feet; on the same, not above ten by twelve inches in size, three dollars and twenty-five cents per hundred square feet; on the same, if above ten inches by twelve inches in size, three dollars and seventy-five cents per hundred square feet; on plain, uncut flint glass, ten cents per pound; on glue, ten cents per pound; on gunpowder, ten cents per pound; on hemp, two dollars and fifty cents per hundred weight; on iron or steel wire, not exceeding number eighteen, five cents per pound; and over number eighteen, nine cents per pound; on iron in bars and bolts, excepting iron manufactured by rolling, one dollar and twenty-five cents per hundred weight; on iron in sheets, rods, and hoops, three dollars per hundred weight; and in bars or bolts, when manufactured, in whole or in part, by rolling, and on anchors, two dollars per hundred weight; iron in pigs seventy-five cents per hundred weight; on iron castings, one dollar and fifty cents per hundred weight; on spades and shovels, twenty-five cents each; on slates and tiles for building, not exceeding twelve inches square, two dollars per thousand; over twelve inches, and not exceeding fourteen inches square, three dollars per thousand; over fourteen, and not exceeding sixteen inches square, four dollars per thousand; over sixteen, and not exceeding eighteen inches square, five dollars per thousand; over eighteen, and not exceeding twenty inches square, six dollars per thousand; on folio and quarto post, pot, cap, crown, demi, medium paper, twenty cents per pound; on royal, super-royal, imperial, elephant, writing, folio-post, and drawing paper, fifteen cents per pound; on all painting and copperplate paper, twelve

and a half cents per pound; on all other coarse paper, not enumerated, ten cents per pound; on screws of wire, not exceeding one inch in length, eight cents per gross; over one inch, and not exceeding two inches in length, fourteen cents per gross; over two inches in length, twenty cents per gross; on ginger, rough, one cent per pound; ground, four cents per pound; preserved, ten cents per pound; on sewing silk, and silk and worsted twist, one dollar fifty cents per pound; on indigo, fifteen cents per pound; on lead in pigs or bars, one cent per pound; in sheets, two cents per pound; on shot, manufactured of lead, three cents per pound; on red and white lead, dry, or ground in oil, four cents per pound; on mace, one dollar and twenty-five cents per pound; on molasses, ten cents per gallon; on nails, of iron, five cents per pound; on nutmegs, seventy-five cents per pound; on pepper, ten cents per pound; on pimento, eight cents per pound; on plums, and prunes, four cents per pound; on muscatel raisins, and raisins in jars and boxes, four cents per pound; on all other raisins, three cents per pound; on salt, twenty-five cents per bushel of fifty-six pounds; on ochre, dry, one cent per pound; in oil, one and a half-cents per pound, on steel, one dollar and fifty cents per hundred weight; on cigars, five dollars per thousand; on spirits, from grain, of first proof, forty-two cents per gallon; of second proof, forty-five cents per gallon; of third proof forty-eight cents per gallon; of fourth proof, fifty-two cents per gallon; of fifth proof, sixty cents per gallon; above fifth proof, seventy-five cents per gallon; on spirits from other materials than grain, of first and second proof, thirty-eight cents per gallon; of third proof, forty-two cents per gallon; of fourth proof, forty-eight cents per gallon; of fifth proof, fifty-seven cents per gallon; above fifth proof, seventy cents per gallon; on shoes, and slippers, of silk, fifty cents per pair; on shoes and slippers of leather, fifty cents per pair; on shoes and slippers for children, twenty-five cents per pair; on spikes, of iron, four cents per pound; on soap, four cents per pound; on brown sugar four cents per pound; on white, clayed, or powdered sugar, five cents per pound; on lump sugar, twelve and a half cents per pound; on loaf sugar, and on sugar candy, fifteen cents per pound; on snuff, fifteen cents per pound; on tallow, one cent per pound; on tea, from China, in ships or vessels of the United States, as follows, viz: hyson skin, souchong, and all other black, twenty-five cents per pound; imperial, gunpowder, and gomee, fifty cents per pound; hyson and young hyson, forty cents per pound; and other green, twenty-eight cents per pound; on teas from any other place, or in any other than ships or vessels of the United States, as follows: viz: bohea, hyson, hyson skin, souchong, and all other black, thirty-four cents per pound; imperial, gunpowder, and gomee, sixty-eight cents per pound; hyson and young hyson, fifty-six cents per pound; other green, thirty-eight cents per pound; on manufactured tobacco, other than snuff and cigars, ten cents per pound; on whitening and Paris white, one cent per pound; on wine, as follows, viz: on Madeira, Burgundy, Champagne, Rhenish, and Tokay, —; on Sherry and St. Lucar, —; on other wine, not enumerated, when imported in bottles or cases, —; on Lisbon, Oporto, and on other wines of Portugal, and those of Sicily, —; on Teneriffe, Fayal, and other wines of the western islands, —; on all other wines, when imported otherwise than in cases and bottles, —; on Russia duck, not exceeding fifty-two archens each piece, two dollars; on Ravens duck,

not exceeding fifty-two archeens per piece, one dollar and twenty-five cents; on Holland duck, not exceeding fifty-two archeens per piece, two dollars and fifty cents; on spermaceti oil, of foreign fishing, twenty-five cents per gallon; on whale, and other fish oil, of foreign fishing, fifteen cents per gallon; and on olive oil in casks, twenty-five cents per gallon; and on linseed oil, twenty-five cents per gallon; blue vitriol, eight cents per pound; oil of vitriol, five cents per pound; nitric acid, six cents per pound; muriatic acid, four cents per pound; sugar of lead, six cents per pound.

SEC. 2. *And be it further enacted*, That the following articles shall be free of duty; that is to say, all articles imported for the use of the United States: philosophical apparatus, instruments, books, maps, charts, statues, busts, casts, paintings, drawings, engravings, specimens of sculpture, cabinets of coins, gems, medals, and all other collections of antiquities; statuary, modelling, painting, drawing, etching, or engraving, specially imported by order and for the use of any society incorporated for philosophical or literary purposes, or for the encouragement of the fine arts, or by order and for the use of any seminary of learning; specimens in natural history, mineralogy, botany, and anatomical preparations, models of machinery and other inventions, plants, and trees; wearing apparel, and other personal baggage, in actual use; and the implements or tools of trade of persons arriving in the United States; regulus of antimony; bark of the cork tree, unmanufactured; animals imported for breed; burr stones unwrought; gold coin, silver coin, and bullion; clay; unwrought copper, imported in any shape for the use of the mint; old copper and brass, and pewter, fit only to be remanufactured; brass, copper, and tin, in pigs and bars; furs, undressed, of all kinds; raw hides and skins; lapis calaminaris; plaster of paris; rags, of any kind of cloth; sulphur or brimstone; barrilla; Brazil wood, braziletto, red wood, camwood, fustick, logwood, Nicaragua, and other dye woods; wood, unmanufactured, of any kind; zinc, teutenague, or spelter; raw silk.

SEC. 3. *And be it further enacted*, That an addition of ten per centum shall be made to the several rates of duties above specified and imposed, in respect to all goods, wares, and merchandise, on the importation of which in American or foreign vessels a specific discrimination has not been herein already made, which, after the said thirtieth day of June, 1820, shall be imported in ships or vessels not of the United States: *Provided*, That this additional duty shall not apply to goods, wares, and merchandise, imported in ships or vessels not of the United States, entitled by treaty or by any act or acts of Congress to be entered in the ports of the United States, on the payment of the same duties as are paid on goods, wares, and merchandise, imported in ships or vessels of the United States.

SEC. 4. *And be it further enacted*, That there shall be allowed a drawback of the duties by this act imposed, on tin in sheets, which may be manufactured into articles for use, and on brazier's copper, manufactured into stills, boilers, pipes, or tubes, by, for, or on account of the person or persons importing the same, upon the exportation thereof within the time and in the manner prescribed by the existing laws, so far as the same may be applicable, and under such rules and regulations as may be prescribed by the Secretary of the Treasury; and also on all other goods, wares, and merchandise imported into the United States, upon

the exportation thereof within the time and in the manner prescribed by the existing laws, subject to the following provisions, that is to say: that there shall not be an allowance of the drawback of duties in the case of goods imported in foreign vessels from any of the dominions, colonies, or possessions of any foreign Power to and with which the vessels of the United States are not permitted to go and trade; that there shall not be an allowance of the drawback of duties for the amount of the additional duties by this act imposed on goods imported in vessels not of the United States; that there shall not be an allowance of the drawback in case of foreign dried and pickled fish, and other salted provisions, fish oil, or playing cards; that there shall be deducted and retained from the amount of the duties on goods exported with the benefit of drawback, (other than spirits,) two and a half per centum; and that there shall be retained in the case of spirits, exported with the benefit of drawback, two cents per gallon upon the quantity of spirits, and also three per centum on the amount of duties payable on the importation thereof. But, nevertheless, the provisions of this act shall not be deemed in anywise to impair any rights and privileges which have been, or may be, acquired by any foreign nation, under the laws and treaties of the United States, upon the subject of exporting goods from the United States, with a benefit of the drawback of the duties payable upon the importation.

SEC. 5. *And be it further enacted*, That, after the 30th day of June next, in all cases of entry of merchandise, for the benefit of drawback, the time of twenty days shall be allowed from the date of entry, for giving the exportation bonds for the same: *Provided*, That the exporter shall, in every other particular, comply with the regulations and formalities heretofore established for entries of exportation for the benefit of drawback.

SEC. 6. *And be it further enacted*, That the duty on the tonnage of vessels, and the bounties, advantages, and drawbacks, in the case of exporting pickled fish, of the fisheries of the United States, in the case of American vessels employed in the fisheries, and in the case of exporting sugar, refined within the United States, shall be and continue the same as the existing law provides: *Provided, always*, That this provision shall not be deemed, in any wise, to impair any rights and privileges which have been, or may be, acquired by any foreign nation under the laws and treaties of the United States, relative to the duty of tonnage on vessels.

SEC. 7. *And be it further enacted*, That the existing laws shall extend to, and be in force for, the collection of duties imposed by this act, on goods, wares, and merchandise, imported into the United States; and for the recovery, collection, distribution, and remission, of all fines, penalties, and forfeitures, and for the allowance of the drawbacks and bounties, by this act authorized, as fully and effectually as if every regulation, restriction, penalty, forfeiture, provision, clause, matter, and thing, in the existing laws contained, had been inserted in, and re-enacted by, this act. And that all acts, and parts of acts, which are contrary to this act, and no more, shall be, and the same are hereby, repealed.

SEC. 8. *And be it further enacted*, That the act passed the third day of March, one thousand eight hundred and fifteen, entitled "An act to repeal so much of the several acts imposing duties on the ton-

MARCH, 1820.

Revolutionary Pension Law—Death of Commodore Decatur.

H. OF R.

nage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty on tonnage between foreign vessels and vessels of the United States, and between goods imported into the United States in foreign vessels, and vessels of the United States," shall apply and be in full force as to the discriminating duties established by this act on the tonnage of foreign vessels, and the goods, wares, and merchandise therein imported.

SEC. 9. *And be it further enacted*, That the same duties which are by this act imposed on any manufactured articles, shall be levied and collected on articles in part manufactured; and that all goods, wares, merchandise, which shall be imported in any ship or vessel from any foreign port or place, or which, in her voyage, shall have touched at any foreign port or place, shall, to all intents and purposes, be deemed and taken to be of foreign growth, produce, and manufacture.

SEC. 10. *And be it further enacted*, That no goods, wares, or merchandise, manufactured in whole or in part, shall be permitted to be entered at any custom-house, or landed at any port or place within the United States, unless the same shall be imported directly from the place or country where the same shall have been produced or manufactured; and it shall be the duty of the collectors to seize such goods, and the same shall be forfeited.

SEC. 11. *And be it further enacted*, That all laws, and parts of laws, now in force, which are inconsistent with, or which may be supplied by, the provisions of this act, and no more, be, and the same are, repealed, from and after the thirtieth day of June next.

REVOLUTIONARY PENSION LAW.

The House having proceeded to the order of the day, on the bill to amend the Revolutionary pension law,

MR. WHITMAN moved to discharge the Committee of the Whole from the further consideration of the bill, and to postpone the same indefinitely.

This motion caused considerable debate.

A division of the question being called for, the question was taken on discharging the committee, and decided in the negative.

The House then again resolved itself into a Committee of the Whole, Mr. BEECHER in the chair, on the bill.

Various amendments were proposed and debated, some of which were agreed to, and others not. The result was, that the bill was brought to the shape which it wears, as follows:

That the Secretary of the War Department be, and he is hereby, authorized and directed to cause examinations to be made into the circumstances of such persons as have been, or shall be, placed on the pension list of the United States, by virtue of the act, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary War," passed on the 18th day of March, 1818, and if it shall satisfactorily appear to the War Department that any of the said persons are not proper subjects of the said law, it shall be the duty of the Secretary of the War Department, to cause the names of such persons to be stricken from the said list; and the pension allowed to such persons, shall thenceforth cease and determine; and no person who has an in-

come equal to one hundred dollars per annum, or an estate of the value of two hundred dollars, shall be considered in such reduced circumstances as to entitle him to a pension under the said recited act.

SEC. 2. *And be it further enacted*, That such examinations shall be had in conformity to such rules and regulations relating thereto as shall from time to time, be established by the Secretary of the War Department.

SEC. 3. *And be it further enacted*, That the examination contemplated by this act, shall be had before some court of record within the United States, or before a judge of such court in vacation, and the facts established by evidence as in other cases, and such court or judge shall cause the same to be certified officially to the Secretary of War.

In this form the bill was when the Committee rose, and the House adjourned.

THURSDAY, March 23.

As soon as the sitting was opened—

MR. RANDOLPH rose, and, after some feeling remarks, expressive of the grief with which he was filled, by the recent melancholy occurrence, of the death of that distinguished naval officer, Commodore Decatur, which he rather alluded to than announced, called the attention of the House to sundry resolutions, the import of which was, that, when it adjourns, it will adjourn to meet again on Saturday; that it will attend the funeral of the late Commodore Decatur on to-morrow; and that its members will, in respect to the memory of the deceased, wear crape on the left arm, for the remainder of this session.

MR. TAYLOR, of New York, required a division of the question on those resolutions, to take it separately on each.

MR. RANDOLPH intimated that, if there was the least objection to the resolutions as moved, he should withdraw them.

MR. TAYLOR, of New York, said that, in opposing this motion, he felt it due to himself to state, that, in respect for the memory and public services of the deceased, he yielded to no member of this House—not even to the honorable gentleman from Virginia. But it is with the most painful regret (said Mr. T.) I am constrained to say, that he died in the violation of the laws of God and his country. I therefore cannot consent, however deeply his loss is deplored by this House, in common with the nation, to vote the distinguished and unusual honors proposed by these resolutions.

MR. RANDOLPH then withdrew the resolves he had offered, and moved that the House do now adjourn.

The question on this motion was taken, by yeas and nays, and it was decided in the negative—yeas 50, nays 83.

MR. ANDERSON, from the Committee on the Public Lands, made an unfavorable report on the petition of Moses Elias Levy; which was concurred in by the House.

MR. ANDERSON, from the Committee on the Public Lands, made an unfavorable report on the petition of the president and corporation of Wash-

H. OF R.

Proposed Term of the Session—Revolutionary Pensioners.

MARCH, 1820.

ington College, in the State of Ohio; which was read, and ordered to lie on the table.

Mr. TAYLOR, from the Committee on Elections, reported "that the committee had examined the certificate of election of James Woodson Bates, returned as the Delegate from the Territory of Arkansas, and find the same sufficient to entitle him to a seat in this House;" which was ordered to lie on the table.

Mr. LIVERMORE, from the Committee on the Post Office and Post Roads, reported a bill to provide for repairing the roof of the General Post Office, and to procure an engine for the protection of said building; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. KENT, from the Committee on the District of Columbia, reported a bill to extend the jurisdiction of justices of the peace, in the recovery of debts in the District of Columbia; which was read twice, and committed to a Committee of the Whole on Monday next.

Two additional members were ordered to be added to the committee appointed on the 14th instant, to inquire into the expediency of providing by law for the satisfaction of unlocated warrants, issued to officers and soldiers of the Virginia line, on continental establishment, &c.; and Mr. PINDALL and Mr. TYLER were appointed of said committee; and Mr. HARDIN was also appointed of the said committee, in the place of Mr. BROWN, who is absent.

On motion of Mr. COOK, the Committee on the Public Lands were instructed to inquire into the expediency of requiring the register of the land office at Vincennes to furnish the Executive of the State of Illinois with an abstract of the lands which have been purchased at that office, lying within the State of Illinois; and also of requiring the Commissioner of the General Land Office to furnish him with an abstract of the lands which have been patented to the soldiers of the late army lying within said State.

Ordered, That the Committee of the Whole to which is committed the bill from the Senate, entitled "An act for the relief of certain persons who have paid duties on goods imported into Castine," be discharged from the further consideration of the said bill, and that it be committed to the Committee of the Whole to which is committed the report of the Committee of Claims on the petition of Alexander Worster.

Mr. LIVERMORE submitted the following, which was read, and ordered to lie on the table for one day, viz:

"That so much of the rules of this House as prescribes the duty of the Committee on the Post Office and Post Roads be expunged, and the following words inserted:

"It shall be the duty of the Committee on the Post Office and Post Roads, on application made to them, in writing, by any member or delegate in Congress, to inquire into the expediency of establishing, altering, or discontinuing, any post route, and to report thereon, by bill or otherwise; and also to consider and report as aforesaid on all other subjects referred to them by the House."

The bill from the Senate, entitled "An act for the relief of the officers and volunteers engaged in the late campaign against the Seminole Indians," was read, and referred to the Committee of Claims.

The bill from the Senate, entitled "An act establishing a circuit court within and for the District of Maine," was read the third time, and passed, as amended.

The House then resolved itself into a Committee of the Whole on the bill reported by the Committee of Ways and Means, entitled "A bill in addition to the several acts for the establishment of the Treasury, War, and Navy Departments;" which bill relates to transfers of appropriations and the carrying of balances of appropriations to the surplus fund.

After some discussion, and some amendments made to the bill, it was reported to the House, and ordered to be engrossed for a third reading.

PROPOSED TERM OF THE SESSION.

Mr. NELSON, of Virginia, in the hope and belief that the adoption of the following proposition would have the effect to accelerate the progress of the business of the session, submitted it to the House:

Resolved, That a committee be appointed, to join such committee as may be appointed by the Senate, to take into consideration and report what business is necessary to be acted upon before the close of the present session, and also to report on what day it will be proper, consistently with the public interest, for the Congress of the United States to adjourn, and close the present session.

Mr. BALDWIN said he hoped the resolution would not be adopted. The House ought, before adopting such a resolution, at least to have progressed so far as to be able to see its course clear. We have in fact, said he, but just commenced the main business of the session. He was not willing to talk of adjourning, until some progress forward had been made, so as that a reasonable prospect might appear of such a despatch of the public business as might justify an adjournment.

Mr. HARDIN also opposed the proposition. At a future day, he said, he should have no objection to the adoption of such a proposition. In all probability Congress would yet remain in session for six weeks; and to raise a committee now to report what bills it is necessary to pass before adjournment, would be at once to legislate out of the House all bills of a private nature, so important to the individuals concerned in them, and many other matters, already reported on by committees. He therefore moved that the resolve should lie on the table.

Mr. LIVERMORE objected to the resolution's lying on the table, desiring an early day to be appointed, for the adjournment.

The question on laying the resolve on the table was decided in the affirmative, by a large majority.

REVOLUTIONARY PENSIONERS.

The bill to amend the Revolutionary pension law was next in the orders of the day.

Mr. NELSON, of Virginia, said that another day's experience had convinced him of the propriety of

MARCH, 1820.

Proceedings.

H. OF R.

the motion which he had suggested yesterday, and now made, to recommit the bill to a select committee for the purpose of remoulding it.

The question on discharging the Committee of the Whole from the further consideration of the bill was decided in the affirmative.

Mr. HARDIN immediately moved to postpone the further consideration of the bill indefinitely.

The question was decided in the negative, by yeas and nays, 109 to 41, as follows:

YEAS—Messrs. Adams, Allen of New York, Baldwin, Bloomfield, Boden, Buffum, Case, Clagett, Cushman, Edwards of Connecticut, Edwards of Pennsylvania, Fay, Fuller, Gross of New York, Gross of Pennsylvania, Hardin, Hill, Holmes, Kendall, Kinsley, Livermore, McCreary, Mallary, Mason, Meech, Meigs, Monell, Moseley, Nelson of Massachusetts, Pindall, Rogers, Sampson, Sergeant, Smith of New Jersey, Stevens, Street, Strong of New York, Upham, Van Rensselaer, Wallace, and Whitman—41.

NAYS—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Ball, Barbour, Bateman, Beecher, Brevard, Burwell, Butler of New Hampshire, Butler of Louisiana, Cannon, Clark, Cobb, Cocke, Cook, Crafts, Crawford, Crowell, Culbreth, Cuthbert, Darlington, Davidson, Dennison, Dewitt, Dickinson, Dowse, Earle, Eddy, Edwards of North Carolina, Ervin, Fisher, Floyd, Folger, Foot, Ford, Forrest, Fullerton, Hackley, Hall of New York, Hall of Delaware, Hall of North Carolina, Hazard, Hendricks, Herrick, Hibshman, Heister, Hooks, Hostetter, Jones of Tennessee, Kent, Lathrop, Little, Lincoln, Linn, Lyman, Maclay, McCoy, McLane of Delaware, McLean of Kentucky, Marchand, R. Moore, S. Moore, Morton, Murray, Neale, Nelson of Virginia, Parker of Massachusetts, Parker of Virginia, Patterson, Peek, Philson, Pinckney, Pitcher, Plumer, Rankin, Rhea, Rich, Richards, Richmond, Ringgold, Ross, Russ, Settle, Simkins, Sloan, Slocumb, Smith of Maryland, B. Smith of Virginia, Smith of North Carolina, Southard, Storrs, Strong of Vermont, Swearingen, Tarr, Taylor, Terrell, Tomlinson, Tompkins, Tracy, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker, Wendover, Williams of Virginia, Williams of North Carolina, and Wood—109.

The motion to refer the bill to a select committee was then renewed, (the discharge of the Committee of the Whole having the effect to divest the bill of its amendments, and restore it to the House in the shape in which it first stood,) and the bill was voted to be referred to a select committee.

On motion of Mr. WHITMAN, the committee were instructed to report a bill making more definite the description of persons to be admitted on the pension roll under the act of the 18th of March, 1818, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war, and for the detection of frauds and impositions which have been or may be practised by applicants under that law."

Messrs. WHITMAN, BARBOUR, McLEAN, of Kentucky, FOOT, STORRS, FORREST, and TOMLINSON, were then appointed the said select committee.

And the House adjourned.

FRIDAY, March 24.

Mr. RICH presented a memorial of Alden Partridge, late captain in the corps of engineers, complaining of acts of oppression on the part of his superior officers, and soliciting that justice which he conceives has been denied him by those from whom he had a right to expect it; which memorial was referred to the Committee on Military Affairs.

Mr. SAMPSON, from the Committee on the Post Office and Post Roads, reported a bill to alter and establish certain post roads; which was read twice, and committed to a Committee of the Whole tomorrow.

Mr. NEWTON from the Committee of Commerce, reported a bill for the relief of Elkanah Finney, and others; which was read twice, and committed to the Committee of the Whole, to which is committed the bill for the relief of William Coffin and others.

Mr. RANDOLPH moved that the House do now adjourn, and, the question being taken thereon, it was determined in the negative.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which have been referred bills from the Senate of the following titles, to wit: "An act for the relief of Joseph McNeil," "An act for the relief of John Pellet;" and "An act for the relief of Joseph Lefebvre;" made reports thereon, recommending that each of the said bills be postponed indefinitely; the said reports were severally read, and, together with the said bills, ordered to lie on the table.

Mr. WILLIAMS, from the same committee, to whom was also referred the bill from the Senate, entitled "An act for the relief of John Harding, Giles Harding, John Shute, and John Nichols," reported the same, without amendment, and it was committed to a Committee of the Whole tomorrow.

Mr. KENT, from the Committee for the District of Columbia, who were instructed by resolution of the 24th of January last, to inquire into the expediency of allowing to the clerks of the circuit court the same fees, in all cases except in causes of admiralty and maritime jurisdiction, as were allowed to the clerks of the county courts within the States of Maryland and Virginia, before the cession of the said District; and, also, into the expediency of repealing so much of the laws of the United States as give a daily compensation to the district attorney, clerks, and marshal, for their attendance in the circuit court of the District of Columbia," made a report thereon; which was read, and ordered to lie on the table.

Mr. KENT, from the same committee, who were also instructed to inquire into the expediency of so amending the laws of the District of Columbia as that the expenses of the jurors and witnesses attending the circuit court, in all cases except such as are cognizable in a district or other circuit court of the United States, shall be paid by the respective counties of Alexandria and Washington," made a report thereon; which was read, and ordered to lie on the table.

Mr. NEWTON laid before the House a letter ad-

H. OF R.

Funeral of Decatur—Public Documents and Laws.

MARCH, 1820.

dressed to the Chairman of the Committee of Commerce by the Register of the Treasury, transmitting several statements in relation to the trade of the United States with the West Indies and British American colonies, for four years, ending on the 30th September, 1818; which were committed to the Committee of the Whole, to which is committed the bill concerning navigation.

FUNERAL OF DECATUR.

Mr. RANDOLPH rose, and, after a speech of some length, principally growing out of the remark of Mr. TAYLOR, on the preceding day, on the manner of the death of the late Commodore Decatur, moved a resolution to this effect:

"That the Speaker, officers and members of this House will attend the funeral of the late Stephen Decatur, Esq., of the United States Navy, from his late residence, at four o'clock, this afternoon."

As soon as the motion was stated from the Chair—

Mr. HOLMES rose. Apprehending, he said, that the proposition might not receive an unanimous vote; fearing to hear either yea or nay on such a question; and at the same time wishing to give every gentleman of the House an opportunity of indulging his own inclination, on this solemn and melancholy occasion, he moved that the House do *now* adjourn.

This motion supersedes all others, and precludes all debate.

It was decided affirmatively, without debate, and the House adjourned.

SATURDAY, March 25.

Another member, to wit, from North Carolina, LEMUEL SAWYER, appeared, produced his credentials, was qualified, and took his seat.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill further to regulate the entry of merchandise imported into the United States from any adjacent territory; which was read twice, and committed to a Committee of the Whole, on Monday next.

Mr. ANDERSON, from the Committee on the Public Lands, reported a bill for the relief of Elizabeth Braden; which was read twice, and ordered to be engrossed and read a third time on Monday next.

Mr. COOK, from the same committee, reported a bill to authorize the Governor of Illinois to obtain certain abstracts of lands from certain public offices; which was read twice, and ordered to lie on the table.

Mr. TAYLOR submitted the following, which was read, and ordered to lie on the table:

Resolved, That the business referred to the Committee of the Whole House shall be called, for consideration, in the following order:

1. Private bills which have passed the Senate, and have been reported favorably by a committee of this House.

2. Private bills reported by committees of this House.

3. Bills of a public nature.

4. Bills which have passed the Senate, and have been reported against by a committee of this House.

5. Reports unfavorable to petitions.

Resolved, That the Clerk, under the direction of the Speaker, so arrange the business in the preceding order, for Monday next.

On motion of Mr. SOUTHARD, the Committee on Manufactures were instructed to inquire into the expediency of furnishing the trading-houses established by the United States for carrying on trade with the Indian tribes, with articles of American manufactures.

On motion of Mr. COOK, the Committee on the Public Lands were instructed to inquire into the expediency of prescribing the manner in which the State of Illinois shall take possession of the salt springs, in the said State, which were guaranteed by the second proposition in the sixth section of the act entitled "An act to enable the people of the Illinois Territory to form a constitution and State government, and for the admission of such State into the Union upon an equal footing with the original States," and of designating the quantity of land to be reserved for the use of the same.

On motion of Mr. TRACY, the Secretary of War was directed to transmit to this House a statement showing the amount and costs (including transportation and other charges) of the goods furnished annually to each factory, or Indian trading-house, since the peace of 1815; specifying, also, the kind and quantity of furs, peltries, or other property annually received, since that period, at each factory; also, the amount of the sales of such furs, peltries, or other property, and the balance, if any, now due from such sales to the Government.

The House took up, and proceeded to consider, the resolution offered yesterday by Mr. RANDOLPH, and depending at the time of adjournment, that the Speaker, members and officers of this House attend the funeral of the late Captain Stephen Decatur; and, the said resolution being read, was ordered to lie on the table.

The House also took up, and proceeded to consider, the amendment proposed, on the 23d instant, by Mr. LIVERMORE, to the standing rules and orders of the House in relation to the duties of the Committee on the Post Office and Post Roads; and, the said amendment being read, the question was taken to agree thereon, and determined in the negative.

An engrossed bill, entitled "An act in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," was read the third time and passed.

The Committee of the Whole, to which is committed the bill respecting the Military Establishment of the United States, was discharged from the further consideration thereof, and the said bill was committed to the Committee of the Whole on the state of the Union.

PUBLIC DOCUMENTS AND LAWS.

The House then resolved itself into a Committee of the Whole, on the bill authorizing a subscription to five hundred copies of the 11th

MARCH, 1820.

St. Domingo Spoliations—Losses in Seminole War.

H. OF R.

and 12th volumes of Waite's compilation of Congressional Documents. A good deal of debate took place on the expediency of this bill, which, after rejecting a motion to strike out the first section, (to destroy the bill,) resulted in reducing the subscription to eighty copies, and the appropriation from two thousand two hundred and fifty to four hundred dollars.

The Committee then proceeded to the bill to amend the act providing for the publication of the laws of the United States in newspapers, &c. After considerable debate on this bill also, the Committee rose and reported the bills to the House.

Mr. PINDALL moved to postpone the first bill (authorizing the subscription to the State Papers) indefinitely; which motion was decided in the affirmative—ayes 113, noes 30.

The bill was of course rejected.

A motion was also made to postpone the second bill indefinitely, but failed—ayes 58, noes 71; and the bill was ordered to be engrossed for a third reading.

MONDAY, March 27.

The SPEAKER presented a memorial, remonstrance, and protest, of the Senate and House of Representatives of the State of Georgia, detailing several violations of the territorial rights of that State in treaties concluded between the United States and the Creek and Cherokee Indians; as, also, of violations of the articles of agreement and cession of 1802, and remonstrating and protesting against an article in the treaty concluded in 1817 between the Cherokee nation and the United States, which invests a fee simple right to lands in certain Indians of that nation; and soliciting that commissioners may be appointed to treat with the Creek and Cherokee nations of Indians, for further cessions of territory, for the use of Georgia; which memorial, remonstrance, and protest, was ordered to lie on the table.

An engrossed bill, entitled "An act for the relief of Elizabeth Braden," was read the third time, and passed.

ST. DOMINGO SPOILIATIONS.

The SPEAKER laid before the House a report of the Secretary of State on the petition of sundry merchants of Boston, by Henry Rice, their attorney, and on the petition of sundry merchants of Baltimore, complaining of spoliations on their commerce by Christophe, the black ruler in the Island of Saint Domingo; which was read, and referred to the Committee on Foreign Affairs.—The report is as follows:

The Secretary of State, to whom, by resolution of the House of Representatives of the 7th of February last, the petitions of Samuel G. Perkins and others, merchants of Massachusetts, and of William Patterson and others, merchants of Baltimore, were referred, has the honor of submitting to the House the following report:

In the month of January, 1817, in consequence of a memorial to the President of the United States from sundry persons, interested in the claims set forth in these petitions, Septimus Tyler was appointed an agent to

proceed to the Island of Saint Domingo, for the purpose of claiming the indemnity which appears to be justly due to the petitioners, for property so unjustly taken from them. He accordingly proceeded thither; but was denied access to the government of Christophe, upon the alleged ground of informality in the style of his powers. Mr. Tyler did not live to return to the United States.

In the spring of the year, 1818, a second attempt was made to send an agent to make the demand, and authority was given him to present himself in a manner, which there was reason to expect would have discarded every question of form. The result, however, was a refusal, again to receive him. A formal recognition of the kingdom of Hayti not being deemed expedient, no further measures have been found practicable on the part of the Executive, in the case; those suggestions by the memorialists being within the exclusive authority of the legislature.

JOHN QUINCY ADAMS.

DEPARTMENT OF STATE, March 20, 1820.

LOSSES IN SEMINOLE WAR.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, who were, on the twenty-eighth ultimo, instructed to inquire into the expediency of providing for the compensation of losses occasioned by the impressment and application of private property to the military service of the United States in the late Seminole war, made a report, concluding with the following resolution:

"Resolved, That it is inexpedient to pass any general law on the subject, and that the committee be discharged from its further consideration."

Mr. COBB moved to strike out the word *inexpedient* and insert the word *expedient*.

After a short debate, Mr. COBB's motion was negative; and the report of the committee was concurred in.

Mr. WILLIAMS, also, from the Committee of Claims, to whom was referred the Senate's bill for the relief of the officers and volunteers engaged in the late war with the Seminole Indians, made a report thereon, concluding with a recommendation that the bill be indefinitely postponed.

This report was opposed by Mr. JONES, Mr. ALLEN, and Mr. CANNON of Tennessee, Mr. McLEAN of Kentucky, Mr. WARFIELD of Maryland, Mr. STEPHENS of Connecticut; and was supported by Mr. MERCER of Virginia, Mr. CULBRETH of Maryland, and Mr. WILLIAMS and Mr. CULPEPER of North Carolina.

The arguments on each side of this question have been already pretty fully stated, on another occasion. It is sufficient now generally to state, that the compensation allowed for the use of these horses was said to be intended to cover also the risk of their loss; as was evident from the fact, that the allowance for the use of the horse was greater than that allowed to the rider of him for his services, and was at the rate of double the average cost of human labor in that country, &c. On the other hand, it was said, that, when these volunteers entered the service, there was certainly an implied contract that the United States should furnish their horses with the forage, and should not cause the horses to be rode to death by forced

H. OF R.

Losses in Seminole War.

MARCH, 1820.

marches; and that the losses in question were caused in this manner, &c.; that the rule which had been applied to the Kentucky volunteers, the Tennessee volunteers had a right to expect to be also applied to them.

Other considerations mingled in the debate. Mr. CULBRETH, for example, was in favor of the postponement of the bill, because he believed the persons embraced in the bill to have been unconstitutional in service.

Mr. ALLEN, of Tennessee, said, he hoped the bill would not be indefinitely postponed. He was astonished, he said, at the opposition it met at every stage, and in every shape, in which it had presented itself. Surely, said he, there is nothing new in the principle contained in it; there is nothing unjust in the demand. Payment has never been denied before to any troops for the losses occasioned by the Government failing to furnish subsistence for their horses, agreeably to contract when taken into service.

As an objection now, we are told that these troops received forty cents per day for the use and risk of their horses, and that they ought not to have expected forage could be furnished in a wilderness. Sir, they were promised, that if it was not furnished, that part of the risk growing out of the failure thereof was to be borne by the Government. The laws passed for the relief of all who served before them, confirmed them in that belief. The risk agreed on the part of the owner only was the wear and tear, and death in the ordinary way—not that his horse would live without sustenance. In the event of a loss for want of forage, the Government derived the benefit of saving that expense, and, being in default, cannot turn over the loss upon the party who fulfilled his part of the agreement. Were it otherwise, would any man enter the service with a horse, for the difference of monthly pay in being mounted? Do you suppose he would take with him his horse, (all he was worth perhaps,) if he was told he would be compelled to travel him as long as he could endure hunger and fatigue, and then abandon him, to traverse a wilderness three or four hundred miles home, on foot, and receive nothing for him, although every purpose of the Government had been accomplished? Patriotism is cherished as a virtue in the West, but no soldiers can be gotten there on such terms. We are told the hire ought to be deducted if the horse is to be paid for. This seems to me strange, indeed. It is not pretended that the soldier has not earned faithfully the hire or wages promised; nor that the Government has not received a valuable consideration, and every thing expected. The object had in view was to expedite the march of your troops to a remote point, where aid was immediately wanted, to save the expense of transportation and baggage wagons; all this was done, and when the soldier's horse was no longer useful to you, he was left to starve.

An additional burden was, to be sure, thrown upon the soldier, (that of walking home,) after fighting your battles. Certainly that is no cause for withholding the wages he would have been entitled to, had you not robbed him of his horse.

I would rather add than subtract, if the wages had any thing to do with the question of liability for the value of the horse.

The plain fact, when stripped of all the foliage unfortunately gathered round it, is this: these men hired you their horses for forty cents per day, and you starved them to death; and now you tell them, they must either relinquish their horses or their wages. This amounts to an impressment of the horse without any compensation, notwithstanding the original contract. I cannot suppose any member of this House would require the soldier to serve his country for nothing; yet the course now proposed amounts to that, and nothing else. The wages received only bought a horse, on his return, to plough his crop, instead of the one he entered the service upon.

Sir, I, for my part, had rather serve here without pay than withhold it from him who risked his life for my preservation. I have seen the hardships these troops have endured, in places better calculated to appreciate their feelings and claims than within these splendid walls; and they too have had a lesson. Is it because these troops are from the State of Tennessee that a new principle is now to be adopted? Is it because they are the same who saved New Orleans by their heroic bravery on the 23d December? Or is it because they so willingly again followed their gallant commander to other dangers?

Are we come to this, that the soldier is to be punished in order to pluck the laurels from the brow of his General, whose only crime has been to make your enemies tremble? Sir, his conduct has passed in review before you, and, like the pure gold, stood the fiery ordeal. Wreak not your vengeance upon the innocent soldier, who cheerfully rallied round the standard of his country, under a belief that his services were required and legally authorized. Without the means of knowing, or the right of contesting the powers that called him out, he has served you faithfully. He asks you for no act of beneficence in his favor. All he wants is that justice, which no individual would deny, under similar circumstances. Let it not be said, that our whole system of economy is narrowed down to a few unfortunate sufferers, who come here for relief I do not mean to reflect upon the Committee of Claims. I admire their vigilance, and the disposition shown to save the Treasury; but really I am afraid they have learned to guard the door so watchfully, that the rightful owner himself is not, with their consent, always permitted to enter.

Mr. CANNON said, after the very full discussion which had taken place on this subject, in an early part of the session, he regretted that it had again become his duty to trouble the House with a single remark in addition to what had already been made on this subject; and, he said, that regret was increased by the circumstance of being compelled by his duty to call in question the doctrines and principles set forth in this report, and maintained by his honorable friend from North Carolina (Mr. WILLIAMS) who is the chairman of the Committee of Claims, with whom, generally, he took the liberty of saying, he had concurred in opinion. But,

MARCH, 1820.

Losses in Seminole War.

H. OF R.

he said, he thought the slightest examination of the doctrines assumed in this report would be sufficient to satisfy the House that this committee had not decided in this case with their accustomed accuracy, and that they have departed from the true principles on which we have been legislating for years past. Sir, said he, the gentleman from North Carolina denies, in the outset of the report, that there is any liability on the part of the General Government to pay for the loss of these horses, although that loss was sustained in consequence of a failure on the part of the United States to furnish the necessary forage. He contends that it was a contingency to be apprehended when they entered the service, and was incident to a state of war. Mr. C. said, he could not help feeling somewhat astonished to hear such doctrines assumed by that gentleman. What, he asked, had been the principles on which we have acted in all cases arising out of the late war with Great Britain, which preceded this campaign? Why, sir, in all the different cases that have arisen out of that war, whether to the North, the South, the East, or the West, in all cases where mounted troops have been employed in your service, and have sustained damage by the loss of horses, in consequence of failure on the part of the Government to furnish forage, they have been paid the value of their horses, also forty cents per day for the use of them while in service. The doctrine, therefore, now assumed by the Committee of Claims, may well be called a new doctrine. It was such doctrine, he said, as he did not wish to see practised on by the Government in this case or any other that might hereafter happen. He said it had not been denied by the advocates of the bill, that these volunteers had received forty cents per day for the use and ordinary risk of their horses. This, he said, however, included nothing more than the ordinary risk, and did not include the risk, as seems to be supposed by the gentleman from North Carolina, of starving their horses to death for want of forage. For, said he, the Government is just as much bound to furnish forage for the horse as it is to furnish rations for the rider. Nothing, he said, could appear to him more just than the claim of these persons against the Government. Indeed, he felt surprised to hear any gentleman contend on this floor that the Government was not bound to furnish forage for the horses of these volunteers. It is utterly impossible that any such understanding, as has been supposed by the gentleman from North Carolina, could have existed, after what had been done before in other similar cases; for, in no one single case, during the whole war of which he had been speaking, had pay been refused, in any case similar to the one under consideration. These volunteers on the Seminole campaign, he said, were the first to whom remuneration for such losses had been refused, and he thought it must be clear to the mind of every man who would take the trouble to examine for himself, that these officers and soldiers had a good right to expect remuneration for losses, if any should be sustained in the way that I have mentioned. But, as to the impracticability of the Government to furnish forage during

the whole of this campaign, he believed none doubted it, nor had he, nor any other person within his hearing, charged the Government with any neglect to make sufficient exertion to furnish forage; he believed none of the advocates of the bill, or anybody else, entertained such opinions. He said, none of the friends of the measure had contended that the Government should be required to perform impossibilities; they had only contended that each party in any contract or engagement was bound to indemnify for losses sustained by the other party in consequence of any failure to perform on their own part. Here, he thought, the committee had not met the question fairly, and, after all their researches, had found a poor pretext for refusing to acknowledge the justice of this claim. But, sir, said he, the Committee of Claims are opposed to the policy which has heretofore been pursued in remunerating individuals who sustain losses of property in the service of their country. It was a policy, he said, which he had been truly glad to see in existence here, and he hoped it would not yet be abandoned. This policy, he said, was calculated to give a powerful incentive to patriotism, a firm reliance on the justice of the Government; and a knowledge that it is ready to remunerate for such losses, will always produce a willingness on the part of the people of this country to hazard their property, and even their lives, in its defence, whenever it may be necessary.

Sir, said he, can it be possible that gentlemen wish to adopt the contrary unjust policy, that the whole losses of property sustained in a war should be borne by a few patriots, who are the first to step forward with their lives and their property, in the defence of the country? He could not believe that this could be their object. No, sir, said he, these losses ought to be sustained by the whole community, and not the few who have thus made the sacrifice. These, if I understand any thing about it, are the true principles of all good governments, he hoped the principle would never be abandoned in any case that either has, or may hereafter, occur in this country. As for the suggestion made by the Committee of Claims, that it would be the interest of the volunteers to preserve their horses until near the end of the campaign, and then destroy them, or let them die by neglect, if it was known the Government would pay for them, he thought it scarcely deserved a reply; for, as respects the case before us, it could not be supposed that any person could be influenced by any such motive—for, if he lost his horse, or was deprived of him in any way, he would have to plunge on foot six or seven hundred miles, through the lakes and swamps of Florida, and this for the sake of receiving pay for his horse, and that too at the risk of his health, constitution, and perhaps his life. However, he said he could not believe that any of those whose patriotism had prompted them voluntarily to engage in the service of their country, were capable of being influenced by any such motives. He said, a document had been read at the table, which went to show that the commanding General, as well as some other officers on this campaign, had been compelled to purchase corn at the enormous

H. OF R.

Losses in Seminole War.

MARCH, 1820.

price of fifty cents per quart, in order to sustain their horses on some of the marches they made. This, he said, was sufficient to show, beyond the possibility of doubt, that it was not in the power of a private soldier to obtain the means of subsistence for his horse. But, Mr. Chairman, said Mr. C., the great anxiety of the gentleman from North Carolina to find a plausible pretext for recommending the indefinite postponement of this bill, had, he thought, driven him into error. He thought he had been a little unfortunate in referring to the laws that had been in existence on this subject, and of which he thought the gentleman had taken a very partial view; therefore, he said, he hoped he would be indulged while he would call the attention of the Committee to all the laws, or at least those parts of the different laws, that either were or had been in force, on this subject.

Mr. C. began by reading first the act of Congress of 1795; then he called the attention of the Committee to the act of 1816, of which he said the gentleman from North Carolina had so loudly complained. After commenting on which, he also read the amendment to the said act, passed in 1817; and lastly read the act of 1818, which he said was the last act that had been passed by the Congress of the United States that had any reference to the subject. All of which acts, said Mr. C., from the year 1816 up to the present time, had clearly and unequivocally sanctioned the principle contained in the bill under consideration; and all of which laws had been in force and use previous to the time these volunteers entered your service on the Seminole campaign. Indeed, he said, he had no doubt but many of them had received the benefits of the laws he had read more than once, in consequence of losses of a similar kind they had sustained on the former tours of duty they have performed; and they had also seen or known of others being paid whose horses had been lost for want of forage in the service. Therefore, he said, he could not see the slightest grounds on which the Committee of Claims could entertain the opinion they had advanced, and which had been supported by the gentleman from North Carolina, with great ingenuity; that the volunteers had understood, when they entered the service, that Government was not bound to remunerate for the losses that might happen to them for want of forage. Sir, said he, it is utterable impossible that any such idea could have prevailed at that or any other time. No sir, said he, they had too much confidence in the justice of this Government; they believed it would extend the same justice to them, in such cases, that had been extended to all others. This, he said, was a just idea, and such as must have been, and ought to have been, entertained by every individual who entered your service on that campaign. For, said he, under any such idea as seems to be conjured up by this committee, he could not suppose that any men could be found in this country so ready to embark with their property in your service, unless indeed in a case of extreme emergency or imminent danger. As yet, he said, we expect something like equal rights, benefits, and privileges; equal pay for equal

services; and equal remuneration for equal losses, when sustained in the public service. And let me tell you, sir, said he, there are none of us but expect this here or elsewhere. He said, even if it should be thought proper to change the policy of our Government in regard to this principle, so as to compel the patriot and soldier to bear these losses themselves, good faith requires that those who have already sustained such losses in your service should be paid.

There was another ground, he said, taken by the Committee of Claims against this bill. In the course of their researches and exertions to find something to excite prejudice against the measure, they have been informed, it seems, by the Second Auditor of the Treasury, that these officers and soldiers have received forty cents per day for their horses after they were dead. Now, sir, said he, if this be true, it would seem to him to amount to a very serious charge against the officer whose duty it was to settle those accounts; for he knew of no law making such provision. The law, he said, only allows the forty cents per day for the use and ordinary risk while in actual service. However, he said, he entertained no doubt that many—perhaps the greater part—who lost their horses, procured others immediately, and continued on in the service. Those who did so, he said, were certainly as much entitled to receive pay for the use of a horse the whole campaign, as though the first horse had lived to the end of it. This, he thought, would not be denied. But, he said, it seemed that the Committee of Claims entertained the opinion that these volunteers had already received the full value of their horses, or perhaps more than their value. Of this, however, he said, they had not attempted to produce any evidence of the fact to the House, nor did he believe it to be true.

Many of the horses, he said, he had no doubt were worth more than double the amount that had been received for the use of them. But, Mr. C. said, he did not think this was a good argument against the passage of the law. It was known, he said, that many of the rangers who had been in service during the late war had received, for the use of their horses, an amount of more than double their value. Here, he said, the Committee of Claims had introduced a principle that is not applicable, in any case, between individuals in any similar contract. Therefore, he hoped it would be applied, in the present case, between the Government and these individuals, even if gentlemen should believe it would have been better, as is suggested by the Committee of Claims, to have purchased the horses before they entered the service; the policy of doing which hereafter, he said, might present a different question. It was enough, he said, to know that it was not done in the case now before us. But, sir, said he, have we not been informed by a letter or document, which was read and now lies on your table, that a part of these horses were so much broke down that they were ordered to be sold at public sale, by order of the officers, and that the proceeds had been paid into the Treasury of the United States. How, he asked, would this case be got round by the gentle-

MARCH, 1820.

Losses in Seminole War.

H. OF R.

man from North Carolina, or any of the members who oppose the passage of the bill? Are these poor fellows to have their horses taken from them and sold, the money appropriated to public use, and they receive nothing at all, not even the money they sold for, which he had no doubt was very little? Upon the whole, sir, said he, it must be obvious to the mind of any gentleman who will for a moment notice this report, that the ingenuity of the committee had been put to the rack to find the most specious grounds on which they recommended the rejection of the bill. The arguments of the gentleman from Virginia, (Mr. McCoy,) he said, had principally been predicated on the same grounds as were taken in the report, except the remarks that gentleman had made respecting these volunteers having received pay for their clothing also. This argument, he said, was fully met by the provisions of the bill, which provided that any amount, if any had been thus received, should be deducted from the price of the horse. The gentleman from Maryland, (Mr. CULBRETH,) who also opposed the passage of the bill, he said, had taken a different, though not new ground against it—the unconstitutionality of the service. This argument, he said, might apply to a case where the commanding officer alone was interested, but he thought it could not, with any propriety, be applied to the case of a private soldier, who supports the Constitution of his country by yielding strict obedience to his officer.

But, he said, he had hoped that the opponents of the bill would not again have urged its rejection on this ground; the argument on this point, however, he said, had been so fully answered on a former occasion, that he would not tire the patience of the Committee by repeating them again. None of the arguments which have been presented to the House by the Committee of Claims, or any of the gentlemen who had endeavored to support their report, could, he thought, be felt to have sufficient weight to meet the strong claim these persons have on this Government for remuneration. He said he had shown, by the laws which he had read to the Committee, that these volunteers must have entertained the most just expectation that they would be remunerated for losses sustained, in all cases where a failure on the part of the Government to comply with its engagement had occasioned the loss. He said he had shown, that all others who have been in service during the late war, and who have sustained losses in the same way, have been remunerated; and he thought it was fully shown, that these volunteers of the Seminole campaign have a claim against the Government, that in strict justice it is bound to pay. It must, he said, be recollected that the claimants would all have to show, by the most satisfactory evidence, that the loss was sustained in consequence of the failure on the part of the Government to furnish forage, and without any fault or neglect on their part, before their claims could be allowed or paid under this law, provided it was passed. The single point in this case, made by the failure of the Government to fulfil its part of the obligation, he thought was a point on which

these claims, in strict justice, might safely rest. This point had not, and he believed could not, be met by the gentlemen opposed to the bill. But, sir, said Mr. C., I hope gentlemen will remember, while they are deciding on this subject, that they are deciding on the claims of some of the most meritorious and patriotic citizens of the Western country, who have rendered other and more important services to this nation, in time of extreme danger, during the late war with Great Britain. He said many of these persons had sought the first opportunity to engage in the service during that eventful period. They were amongst the first volunteers who descended the Mississippi for the defence of the lower country. They were the first who entered the Creek nation, after the horrid massacre at Fort Mims, without orders from the President, the Governor of the State, General Jackson, or any other officer; and were followed by General Jackson, with other volunteers and militia, with whom they united in the Indian country, (after destroying one of the enemy's towns,) where they were organized into a regiment, in which, he said, two of his colleagues (Col. ALLEN and Capt. JONES) were made officers, with himself. They, he said, had been recognised, and received into the service of the United States, and paid for services and losses sustained in this way, although we were not called into service by any authority known in our Government; we were driven there, each one by the impulse of his own feelings. The enemy were sought, and wherever they could be found the severest chastisement was inflicted. These volunteers were the first from our State in battle; and by their valor and good conduct at the battles of Tallasatchee and Talledega, obtained the most decisive victories over the savage enemy that had been known in the annals of our national history. They, indeed, were the first to give military character to the State which he had the honor in part to represent. They had encountered hardships, dangers, and sufferings in the service, on this campaign, that were unpleasant to think of, much more to relate, and had fought in many other battles in the Creek nation.

These same young men were also the first who afterwards rushed to the defence of the Southern frontier when invaded by the combined armies of Europe during the late war; they marched with unexampled speed to the places where this force was expected to land, to Mobile, Pensacola, and lastly to New Orleans, where they were the first to engage the enemy, on the night of the 23d of December, (a moment, he said, ever to be remembered in our history,) at the spot where the hostile tread of the enemy made the first impression on the sacred soil of Western America; and here, he said, by their distinguished gallantry and daring intrepidity, he believed they saved from destruction the city of New Orleans, and effected thereby the safety of the whole Western country; and now, he said, they had been called upon to embark in this Seminole campaign, by the same officer under whom they had so often rallied, and under whom they had so often fought and bled in their country's

H. OF R.

Spanish Treaty—Promulgation of the Laws.

MARCH, 1820.

cause. They did not hesitate, or inquire for his authority, but again put themselves under his command, with their usual promptness; and, although it had not been in their power to perform as important services as on former occasions, the hardships and dangers they encountered were not much less, he was informed, than had been encountered on any former campaign. Many of these volunteers, he said, were poor, and unable to sustain such losses. He believed they were generally so. Some had purchased the horses they had lost in service on credit, and, after paying every cent they had received from the Government as pay for their services, as well as for the use of their horses, are yet in debt, and were, perhaps, now laboring to pay up the balance. He said he thought this a hard case; they had evinced their patriotism and attachment to the Government on every occasion that had offered, and he thought, if the claim of any one part of the citizens of the United States was entitled to a more liberal consideration than another part, it was that of these sufferers on the Seminole campaign. However, he said, for his own part, he did not think their case required the exercise of any liberality, believing, as he did, that it was founded on the immutable principles of justice; and he hoped, therefore, the bill would not be indefinitely postponed.

The question on indefinite postponement of the bill was decided, by yeas and nays, in the negative—yeas 73, nays 84, as follows:

YEAS—Messrs. Adams, Ball, Bateman, Bayly, Bufum, Burwell, Butler of New Hampshire, Case, Cobb, Crafts, Culbreth, Culpeper, Cuthbert, Dewitt, Dickinson, Eddy, Edwards, of Connecticut, Edwards of North Carolina, Fay, Folger, Ford, Forrest, Fuller, Hall of New York, Hall of Delaware, Hall of North Carolina, Hardin, Hill, Kendall, Kinsley, Lathrop, Linn, Lowndes, Lyman, Maclay, McCoy, Marchand, Mason, R. Moore, Mosceley, Neale, Nelson of Massachusetts, Parker of Virginia, Phelps, Pindall, Plumer, Rich, Richards, Richmond, Robertson, Sampson, Sawyer, Sergeant, Shaw, Silsbee, Slocumb, Smith of North Carolina, Southard, Storrs, Street, Strong of Vermont, Strong of New York, Taylor, Terrell, Tompkins, Trimble, Tucker of Virginia, Tyler, Upham, Wendover, Whitman, Williams of North Carolina, and Wood.

NAYS—Messrs. Abbot, Alexander, Allen of New York, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baker, Baldwin, Barbour, Beecher, Bloomfield, Boden, Brown, Brush, Bryan, Burton, Butler of Louisiana, Campbell, Cannon, Cocke, Crowell, Cushman, Darlington, Davidson, Earle, Edwards of Pennsylvania, Fisher, Foot, Fullerton, Garnett, Gross of New York, Hackley, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Holmes, Hooks, Hostetter, Jones of Tennessee, Kent, Kinsey, Little, Lincoln, Livermore, McCreary, McLane of Delaware, McLean of Kentucky, Mallary, Mercer, Metcalf, S. Moore, Monell, Murray, Nelson of Virginia, Overstreet, Parker of Massachusetts, Patterson, Philson, Pitcher, Rankin, Reed, Rhea, Rogers, Ross, Russ, Settle, Simkins, Sloan, Smith of New Jersey, Smith of Maryland, Stevens, Strother, Swearingen, Tarr, Tomlinson, Tracy, Tucker of South Carolina, Van Rensselaer, Walker, Wallace, and Warfield.

SPANISH TREATY.

The following Message was received from the PRESIDENT OF THE UNITED STATES:

To the House of Representatives of the United States:

I transmit to Congress an extract of a letter from the Minister Plenipotentiary of the United States at St. Petersburg, of the 1st of November last, on the subject of our relations with Spain, indicating the sentiments of the Emperor of Russia respecting the non-ratification, by His Catholic Majesty, of the treaty lately concluded between the United States and Spain, and the strong interest which His Imperial Majesty takes in promoting the ratification of that treaty. Of this friendly disposition, the most satisfactory assurance has been since given directly to this Government by the Minister of Russia residing here.

I transmit, also, to Congress, an extract of a letter from the Minister Plenipotentiary of the United States, at Madrid, of a later date than those heretofore communicated; by which it appears that, at the instance of the Chargé des Affaires, of the Emperor of Russia, a new pledge had been given by the Spanish Government, that the Minister who had been lately appointed to the United States should set out on his mission without delay, with full powers to settle all differences in a manner satisfactory to the parties.

I have further to state that the Governments of France and Great Britain continue to manifest the sentiments heretofore communicated respecting the non-ratification of the treaty by Spain, and to interpose their good offices to promote its ratification.

It is proper to add that the Governments of France and Russia have expressed an earnest desire that the United States would take no step, for the present, on the principle of reprisal, which might possibly tend to disturb the peace between the United States and Spain. There is good cause to presume, from the delicate manner in which this sentiment has been conveyed, that it is founded in a belief, as well as a desire, that our just objects may be accomplished without the hazard of such an extremity.

On full consideration of all these circumstances, I have thought it my duty to submit to Congress whether it will not be advisable to postpone a decision on the questions now depending with Spain, until the next session. The distress of that nation, at this juncture, affords a motive for this forbearance, which cannot fail to be duly appreciated. Under such circumstances, the attention of the Spanish Government may be diverted from its foreign concerns, and the arrival of a Minister here be longer delayed. I am the more induced to suggest this course of proceeding from a knowledge that, while we shall thereby make a just return to the Powers whose good offices have been acknowledged, and increase, by a new and signal proof of moderation, our claims on Spain, our attitude in regard to her will not be less favorable at the next session than it is at the present.

JAMES MONROE.

WASHINGTON, March 27, 1820.

The Message and accompanying documents were referred to the Committee on Foreign Affairs.

PROMULGATION OF THE LAWS.

The engrossed bill to amend the act providing for the publication of the laws of the United States, was read a third time; and the yeas and nays were ordered on its passage.

MARCH, 1820.

Proceedings.

H. OF R.

[This bill proposes to reduce the number of the publishers of the laws to one for every State and Territory, and to reduce the allowance for the execution of the work to about one-half of its present amount.]

Hereupon ensued a debate, in which the following gentlemen took sides: For the bill—Messrs. CULPEPER, PINDALL, and SMITH, of North Carolina; against the bill, Messrs. CANNON, MALLARY, FOOT, SIMKINS, LITTLE, SETTLE, STROTHER, RHEA, and SOUTHARD.

The debate turned on the question, whether the object was worth a continuation of the present expenditure, which it is supposed the passage of the bill will reduce by three-fourths of its amount.

Those who opposed the bill said, that they were unwilling to diminish the newspaper circulation among the people of the laws passed for their government; that it was due to them that they should at least have an opportunity of seeing what the laws were; that the number of printers of the laws had, in this view, better be extended, even so as to include all the printers of the United States, than reduced to the number of twenty-five. With a view to economy, it was said that a petty saving of five or six, or even ten thousand dollars, was nothing compared to the diffusion of information among the people; and the amount could be retrenched on almost any other object of expenditure with more propriety than on this. It would be desirable, it was said, if it could be effected, to make provision that every free man in the Government should read the laws. If the present publication of the laws was so unimportant as to allow Congress to reduce the number of papers to one in each State and Territory, the publication of them in newspapers had better be entirely dispensed with—the present number being as small as possible, with a view to any thing like a diffusion of a knowledge of the laws among the people. With regard to the argument in favor of the bill, that it went to reduce the patronage of the Department of State, it was said to be entitled to little weight; for it was not to be thought that the printers were to be influenced improperly by the pittance allowed them for the publication of the laws. It was denied, further, that the printers would voluntarily publish the laws, or at least such of them as were important, as had been said, without compensation. But, were it otherwise, it was argued, there was no propriety in submitting to the printer the decision of the question, which of the laws were, and which were not, important; which were, and which were not, worthy of being known to the people. That the interest of the whole people, in the operation of the laws, the agency of their Representatives in passing them, their political right to investigate and judge of them when passed, all required a wide diffusion of the laws: and that to this end the present number of publishers of the laws, three in each State, was not too large, but rather too small a proportion of the whole number of newspapers printed in the United States.

The vote on the question stood:—For the bill seventy-nine, against it, seventy-eight, as follows:

YEAS—Messrs. Adams, Alexander, Allen of Tennessee, Archer of Maryland, Archer of Virginia, Baker, Baldwin, Barbour, Bayly, Beecher, Bloomfield, Brevard, Brown, Burton, Burwell, Butler of New Hampshire, Cobb, Cocke, Crafts, Crawford, Culpeper, Cuthbert, Davidson, Edwards of Pennsylvania, Edwards of North Carolina, Fay, Floyd, Forrest, Hall of New York, Hall of Delaware, Hardin, Hemphill, Herrick, Hooks, Hostetter, Kendall, Kinsley, Linn, Maclay, McCoy, McLean of Kentucky, Marchand, Mercer, Metcalf, Mosley, Murray, Neale, Nelson of Massachusetts, Overstreet, Parker of Virginia, Patterson, Phelps, Pindall, Rich, Richards, Richmond, Robertson, Sawyer, Shaw, Slocumb, A. Smyth of Virginia, Smith of North Carolina, Stevens, Storrs, Street, Strong of Vermont, Swearingen, Taylor, Terrell, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Upham Van Rensselaer, Warfield, Whitman, and Williams of North Carolina.

NAYS—Messrs. Abbot, Allen of New York, Anderson, Ball, Bateman, Boden, Brush, Bryan, Buffum, Butler of Louisiana, Campbell, Cannon, Case, Clagett, Clark, Culbreth, Cushman, Darlington, Dewitt, Dickinson, Earle, Eddy, Edwards of Connecticut, Ervin, Fisher, Foot, Ford, Fuller, Fullerton, Garnett, Gross of New York, Hackley, Hall of N. Carolina, Hazard, Hendricks, Hill, Holmes, Jones of Tennessee, Kent, Kinsey, Lathrop, Little, Lincoln, Lyman, McCreary, McLane of Delaware, Mallary, Mason, Meigs, S. Moore, Morton, Nelson of Virginia, Parker of Massachusetts, Philson, Pitcher, Rankin, Reed, Rhea, Rogers, Ross, Russ, Sampson, Sergeant, Settle, Silsbee, Simkins, Sloan, Smith of New Jersey, Smith of Maryland, Southard, Strong of New York, Strother, Tarr, Tomlinson, Walker, Wallace, Wendover, and Wood.

So the bill was passed and sent to the Senate for concurrence.

TUESDAY, March 28.

The SPEAKER laid before the House a letter from J. S. Williams, of the late firm of Stull and Williams, explanatory of the sale or loan of gunpowder made by the Ordnance department to that firm, in the year 1818; which was ordered to lie on the table.

Mr. BATES presented a petition of the members of the Legislative Council and House of Representatives of the Territory of Arkansas, praying that the lands in said Territory lying on, and adjacent to, the river Mississippi, may be surveyed, and offered for sale.—Referred to the Committee on the Public Lands.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report on the petition of James Greer; which was ordered to lie on the table.

The House took up and proceeded to consider the bill from the Senate, entitled "An act further to suspend, for a limited time, the sale or forfeiture of lands for failure in completing the payment thereon;" and the bill was ordered to be read a third time to-morrow.

Mr. NELSON, of Virginia, moved that the House do now proceed to consider the resolution submitted by him on the 23d instant, for the appointment of a joint committee to consider and report what business is necessary to be done before the close

H. OF R.

Revolutionary Pensions.

MARCH, 1820.

of the present session. The motion was negatived.

On motion of Mr. ABBOT, the Committee on the Judiciary were instructed to inquire into the expediency of passing a law pointing out under what circumstances, and by what means, private property may be taken for public use, under the emergency of war, and regulating the manner by which just compensation may be made for the same; also, to prescribe the manner in which soldiers may be quartered in any house without the consent of the owner, in time of war.

The House resolved itself into a Committee of the Whole on the state of the Union; and, after some time spent therein, the SPEAKER resumed the chair, and Mr. TAYLOR reported that the Committee had, according to order, had the state of the Union under consideration, and directed him to report their agreement to the resolution submitted by Mr. COBB on the 24th of January last, proposing an amendment to the Constitution of the United States, to prohibit the appointment of members of Congress to offices, with amendments; as, also, their agreement to the resolution from the Senate, "proposing an amendment to the Constitution of the United States, as it respects the choice of Electors of President and Vice President of the United States, and the election of Representatives in the Congress of the United States."

The House took up and proceeded to consider the report of the Committee of the Whole upon the state of the Union; whereupon it was ordered, that the said resolutions severally lie upon the table.

Mr. CLAY laid on the table the following resolutions:

1. *Resolved*, That the Constitution of the United States vests in Congress the power to dispose of the territory belonging to them, and that no treaty purporting to alienate any portion thereof is valid without the concurrence of Congress.

2. *Resolved*, That the equivalent proposed to be given by Spain to the United States, in the treaty concluded between them, on the 22d day of February, 1819, for that part of Louisiana lying west of the Sabine, was inadequate; and that it would be inexpedient to make a transfer thereof to any foreign Power, or to renew the aforesaid treaty.

On motion of Mr. SMITH, of Maryland, the Committee on the Post Office and Post Roads were instructed to inquire into the expediency of affording some pecuniary relief to the widow and children of John Heaps, mail carrier, killed by the persons who recently robbed the United States mail near Baltimore.

A Message was received from the PRESIDENT OF THE UNITED STATES, which is as follows:

To the House of Representatives:

I transmit to the House of Representatives, in pursuance of their resolution of the 31st of January last, a report from the Secretary of the Treasury, with the documents which accompanied it.

JAMES MONROE.

The Message was read, and, together with the report therein communicated, ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting sundry statements in relation to the privateer pension fund, which have been prepared in obedience to the resolution of the 15th instant; which was ordered to lie on the table.

The House resolved itself into a Committee of the Whole on the report of the Committee of Claims on the petition of William Henderson, on the report of the same committee on the petition of Elias Parks, and on the bill for the relief of Jacob Kunkopot and others, of the Stockbridge tribe of Indians; and, after some time spent therein, the SPEAKER resumed the chair, and Mr. SEARGEANT reported the agreement of the Committee of the Whole to the resolution contained in the report of the Committee of Claims on the petition of William Henderson, with an amendment, and asked leave for the Committee to sit again on the remaining report and bill.

The Committee of the Whole had leave to sit again on the said report and bill, and the House adjourned.

WEDNESDAY, March 29.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," in which they ask the concurrence of this House.

Mr. ANDERSON, from the Committee on the Public Lands, to whom was referred the petition of Jenifer T. Sprigg, reported a bill for regulating the manner of settling the accounts of the several deputy surveyors in the Missouri and Arkansas Territories; which was read twice, and committed to the Committee of the Whole to which is committed the bill from the Senate, entitled "An act making further provision for the sale of the public lands."

REVOLUTIONARY PENSIONS.

Mr. STORRS, from the committee to whom was referred the bill to amend the act, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," by leave of the House, reported a bill in addition to an act, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," passed on the 18th day of March, 1818; which was read twice, and ordered to lie on the table. The bill is as follows:

A Bill in addition to an act entitled "An act to provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war," passed on the 18th day of March, 1818.

Be it enacted, &c., That no person who now is or hereafter may be, placed on the pension list of the United States, by virtue of the act entitled "An act to provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war," passed the 18th day of March, 1818, shall, after the payment of that part of the pension which became due on the 4th day of March, 1820, continue to receive the pension granted by the said act, until he shall have

MARCH, 1820.

William Henderson—Mr. Randolph and Gales & Seaton.

H. OF R.

exhibited to some court of record in the county, city, or borough, in which he resides, a schedule subscribed by him, containing his whole estate and income (his necessary clothing and bedding excepted,) and shall have (before the said court or some one of the judges thereof) taken and subscribed and produced to the said court the following oath or affirmation, to wit: "I, A B, do solemnly swear (or affirm, as the case may be,) that I was a resident citizen of the United States on the 18th day of March, 1818, and that I have not since that time, by gift, sale, or in any manner whatever, disposed of my property, or any part thereof, with intent thereby so to diminish it as to bring myself within the provisions of an act of Congress entitled 'An act to provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war,' passed on the 18th day of March, 1818, and that I have not, nor has any person in trust for me, any property or securities, contracts, or debts due to me, nor have I any income other than what is contained in the schedule hereto annexed, and by me subscribed;" nor until such person shall have delivered or caused to be delivered, to the Secretary of War, a copy of the aforesaid schedule and oath or affirmation, certified by the clerk of the court to which the said schedule was delivered, together with the opinion of the said court, also certified by their clerk, of the value of the property contained in the said schedule: *Provided*, That in every case in which the pensioner may be insane, the court may receive the said schedule without the aforesaid oath or affirmation, from the committee or other person authorized to take care of such insane person.

SEC. 2. *And be it further enacted*, That the original schedule and oath or affirmation shall be filed in the clerk's office of the court to which the schedule and oath or affirmation aforesaid shall be exhibited, and any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

SEC. 3. *And be it further enacted*, That on the receipt of the copy of the schedule and oath or affirmation aforesaid, it shall be the duty of the Secretary of the War Department to cause to be struck from the list of pensioners under the said act, the name of such person, in case the said person shall not, in his opinion, be in such indigent circumstances as to be unable to support himself without the assistance of his country.

WILLIAM HENDERSON.

The House took up the report of the Committee of Claims on the case of William Henderson, of Virginia, which was discussed in Committee of the Whole yesterday.

The Committee of Claims recommend that the claim be rejected. The decision of that committee was reversed by the Committee of the Whole, who reported a resolution that the claim ought to be granted.

The question which recurred was to concur in this reversal. On this question a debate ensued, which continued with great animation for more than two hours—and when taken was decided by yeas and nays, as follows: For concurrence in the amendment 68, against it 90.

Mr. STORRS then moved an amendment, the object of which was to compensate the petitioner for his dwelling-house and kitchen, valued at nine

hundred and fifty dollars. This motion was rejected—yeas 72, nays 73.

Mr. BALL renewed the motion so far as respected the dwelling-house, which was carried—yeas 74, nays 72.

The question was then taken to agree to the resolution as thus amended, and lost—yeas, 71, nays 76.

The resolution, as recommended by the Committee of Claims, that the prayer of the petitioner be rejected, was then concurred in by the House.

MR. RANDOLPH AND GALES & SEATON.

Mr. RANDOLPH then rose, and, after a speech of upwards of an hour in length, submitted the following resolution:

"Resolved, That Gales & Seaton, Editors of the National Intelligencer, be excluded from this House as reporters."

Mr. STROTHER and Mr. PINDALL made several observations, which were not heard by the person giving this sketch.

Mr. BRUSH, of Ohio, however, rose, and with some warmth defended the persons against whom the proposition was directed, on the ground that there was no charge brought against them, without which he could not condemn or pass censure upon the meanest individual in the land; and called upon Mr. R. to put in a specification of his complaint.

Mr. RANDOLPH did so, and ultimately modified his proposition, so as to read as follows, supporting it at the same time in a speech of considerable length:

Resolved, That Gales & Seaton, having published an incorrect report of the proceedings of this House of the 23d [instant] not from their own view and hearing thereof, but on the representation of some unknown person, whose name they have refused to give, when thereto required by a member from Virginia—

Therefore, resolved, That, unless they give up the author of such report, Gales & Seaton, Editors of the National Intelligencer, be excluded from this House as reporters of the proceedings thereof.

Mr. PINDALL spoke at considerable length on the subject; after which, the question on the above modified proposition was decided by yeas and nays, as follows:

YEAS—Messrs. Bayly, Floyd, Nelson of Virginia, Pindall, Randolph, Robertson, B. Smith of Virginia, and Strother—8.

NAYS—Messrs. Adams, Alexander, Allen of New York, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baker, Baldwin, Ball, Barbour, Bateman, Beecher, Boden, Brown, Brush, Bryan, Buflum, Burwell, Butler of New Hampshire, Butler of Louisiana, Campbell, Case, Claggett, Clark, Cocke, Cook, Crafts, Crowell, Culbreth, Culpeper, Cushman, Darlington, Davidson, Dennison, Dewitt, Eddy, Edwards of Connecticut, Edwards of North Carolina, Fay, Fisher, Folger, Foot, Ford, Forrest, Fuller, Fullerton, Gross of New York, Gross of Pennsylvania, Hackley, Hall of New York, Hall of Delaware, Hardin, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Hill, Holmes, Hooks, Hostetter, Jones of Tennessee, Kendall, Kent, Kinsey, Kinsley, Lathrop, Little, Lincoln, Linn, Livermore, Lowndes, Lyman,

H. OF R.

Mr. Randolph and Gales & Seaton.

MARCH, 1820.

Maclay, McCoy, McCreary, McLane of Delaware, McLean of Kentucky, Mallary, Meech, Meigs, Mercer, Metcalf, R. Moore, Monell, Morton, Moseley, Murray, Neale, Nelson of Massachusetts, Parker of Massachusetts, Parker of Virginia, Patterson, Phelps Philson, Plumer, Quarles, Rankin, Reed, Rhea, Rich, Richards, Richmond, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Settle, Shaw, Silsbee, Sloan, Slocumb, Smith of New Jersey, A. Smyth of Virginia, Smith of North Carolina, Southard, Stevens, Storrs, Street, Strong of Vermont, Strong of New York, Swearingen, Tarr, Taylor, Terrell, Tomlinson, Tompkins, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Warfield, Wendover, Whitman, Williams of North Carolina, and Wood—140.

So Mr. RANDOLPH'S motion was negatived.*

THURSDAY, March 30.

On motion of Mr. SLOCUMB, the Committee on Commerce were directed to inquire into the expediency of having a lighthouse built at Ocracock Inlet, in the State of North Carolina.

On motion of Mr. WOODBRIDGE, the Committee of Claims were instructed to inquire into the expediency of allowing to Robert Smart one hundred dollars for a horse, and ninety dollars for boards, which horse and boards were impressed for the public use.

Mr. SAWYER submitted the following resolution :

Resolved, That a committee be appointed to inquire into the expediency of abolishing such offices of the customs as it may be proper to suppress in consequence of their unproductiveness, their inutility, or from any other cause ; and that they have leave to report by bill or otherwise.

[*From the National Intelligencer of Wednesday, March 29.]

An incident occurred yesterday, in the House of Representatives, which, being rather out of the common line, and concerning ourselves, is entitled to a separate notice from the editors.

Mr. Randolph, of Virginia, made a motion to the following effect, if not in the following words :

"That Gales & Seaton, Editors of the National Intelligencer, be excluded from the hall of this House as Reporters."

Such a motion, found on the Journals of the House, though ultimately rejected, as we were sure it would be by a large majority, might not perhaps add to our reputation in the eyes of those who come after us ; yet, for the present generation, we trust our good name is beyond the reach of either motions or speeches in any legislative body. Having received, however, so distinguished an honor, it is proper we should take some notice of it.

The ground of this motion, it appears, is an alleged inaccuracy in the report of a certain proceeding in the House of Representatives on Thursday last. Before proceeding further it is as well to state, that it is absurd to hold that conductors of newspapers are bound to publish more than they know, or even more than they choose ; and that it is enough, if they inadvertently err, cheerfully to correct the error, on proper representations thereof being made to them.

On Sunday morning last, then, the following note was received at our office :

To the Editors of the National Intelligencer :

Messrs. Gales & Seaton : On Thursday last I took

In submitting the resolution, Mr. S. said he would barely observe that its adoption was so urgently called for, both from the situation of the Treasury, as well as from the disproportion between the services rendered, and the salaries received, by the officers whose posts were contemplated to be suppressed, that he was surprised the subject had not been proposed to this House before. If the resolution were adopted, Mr. S. was sure a saving might be annually made of 7 or 8,000 dollars without the least detriment to the public.

The resolution was ordered to lie on the table.

On motion of Mr. LOWNDES, the Secretary for the Department of the Navy was directed to inform this House whether the commander of the Ontario, during her late cruise in the Pacific ocean, received any present from the Viceroy of Lima, and, if he did, what disposition has been made thereof ; whether he received on board the Ontario any citizens or subjects of a foreign Power, and any money or effects belonging to foreign subjects or citizens, to be transported from one foreign port to another ; if such foreign subjects were so received, whether any of them were in the military or naval service of a Government engaged in war ; if any money or effects were so transported, whether any freight was received on that account ; and whether any, and what, instructions have been given by the Department of the Navy respecting the transportation in public ships of the United States of passengers, money, or effects.

The bill from the Senate, entitled "An act supplementary to the several acts for the adjustment

particular notice that there was no reporter in the House. I am, therefore, surprised, as well as shocked, to find the report (such as it is) of the proceedings relative to the late Stephen Decatur, Esq., of the United States Navy, and request to be informed how it found its way into your paper. Your oh't servant,

J. RANDOLPH,

SATURDAY, March 25.

Of Roanoke.

The first emotion of the editors, on reading this note, was that of surprise ; no intimation having been received, from any other quarter, either before or since the receipt of the above note, of the least incorrectness in our account of the proceedings. With that courtesy, however, which, if not our duty, it has always been our wish to observe towards those who address us on matters of business, the following answer was returned to Mr. Randolph's note :

SUNDAY, March 26, 1820.

Hon. John Randolph.

Sir : The report, to which you refer in your note of the 25th, was derived from sources entitled to high credit ; particular care being taken not to impute to you any language which might be subject to misrepresentation. Your speech on the following day was reported, and will be submitted to you for revision when transcribed. Very respectfully, &c.

GALES & SEATON.

These two notes are only introduced to the public eye, because a part of our note was referred to by Mr. Randolph, in introducing his motion yesterday, and because they serve to show the grounds of his motion.

MARCH, 1820.

Proceedings.

H. OF R.

of land claims in the State of Louisiana," was read twice, and referred to the Committee on Private Land Claims.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for apportioning the Representatives in the Seventeenth Congress, to be elected in the States of Massachusetts and Maine, and for other purposes;" in which they ask the concurrence of this House.

The bill was read twice, and referred to a select committee; and Messrs. HOLMES, MASON, HILL, SHAW, and WHITMAN, were appointed the said committee.

The bill for the relief of John A. Dix then passed through a Committee of the Whole, being supported by Mr. WILLIAMS, of North Carolina, and was ordered to a third reading.

A Message was received from the President of the United States, transmitting a general abstract of the militia of the United States, in pursuance of the act of March the 3d, 1803—Read.

A message from the Senate informed the House that the Senate have passed the bill of this House, entitled "An act making appropriations for the military service of the United States for the year 1820," with amendments. They have also passed a bill, entitled "An act for the relief of certain sufferers by fire at Savannah, in Georgia;" and a joint resolution, directing the President of the Senate and the Speaker of the House of Representatives to adjourn their respective Houses on Monday the 24th of April next; in which amendments, bill, and resolution, they ask the concurrence of this House.

Ordered, That the Committee of the Whole on the state of the Union be discharged from the

consideration of the bill to authorize the President of the United States to take possession of East and West Florida, and establish a temporary government therein, and that it lie on the table.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of the heirs and legal representatives of Nicholas Vreeland, deceased." The bill was reported without amendment, and ordered to be read a third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act authorizing payment to be made for certain muskets impressed into the service of the United States." The bill was reported with an amendment; which was concurred in by the House, and the bill ordered to be read a third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of Mary Cassin, widow and administratrix of Patrick Cassin, deceased." The bill was reported without amendment, and was ordered to be read a third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of Robert Swartwout." The bill was reported without amendment, and ordered to be read a third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of John Harding, Giles Harding, John Shutte, and John Nichols." The bill was reported without amendment, and ordered to be read a third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled

Whereupon, we understand, Mr. R., at the suggestion of a friend, withdrew his motion, to give an opportunity, before renewing it, to us to disclose to him the names of those who furnished us with an account of the proceeding referred to in his note as above.

As we are persuaded that Mr. Strother is not, either with or without motive, unfriendly to us, nor yet to the freedom of the press, but the contrary, we will only say of his suggestion that, followed up, it would lead him into a labyrinth of doctrines, dangerous in the extreme to the rights of the citizen, and which he would be the first to disclaim.

With respect to the admission into the Hall of Representatives, it is a privilege to which, we trust, we give its due importance. But, were it ten times more valuable than it is, the menace of exclusion from the Hall would not induce us to swerve, on this occasion, from our duty; which is, to resist every attempt, from whatever quarter, to invade the *privileges of the press*.

It will be merely decorous in us voluntarily to exclude ourselves from the Hall, until the question on Mr. Randolph's motion is settled, if it is to be settled at all, by a vote of the House.

We shall endeavor, however, to give our readers an idea of what is going on there meanwhile; and, if we do not give the speeches of the members, we shall at least have the satisfaction of being sure that we have not mistaken their meaning.

The facts in regard to the account of proceedings, to which exceptions have been taken, are simply these. The editors of this paper have at times other matters to attend to, of some importance to their readers as well as to themselves, besides observing and noting the proceedings of the two Houses of Congress. It so happened, that he who attended the Representatives' Hall on that day, having been otherwise occupied, did not reach the House until half an hour after the sitting commenced, when the yeas and nays were in the act of being recorded by the Clerk, on the question of adjournment. Desirous of properly stating what had taken place, information was sought for, collected, and arranged with unusual care to avoid error; and, with a particular desire to guard against the possibility of misstating any part of Mr. Randolph's language, it was stated so generally as not to be capable of misapprehension. Had any gentleman, whose name was mentioned in the account of that day's proceedings, pointed out an error in respect to himself, it would at the time have been, according to our invariable usage, promptly acknowledged and corrected. It shall yet be. What we did not know, we could not state. If any thing material was shown to be omitted, the defect would have been supplied; and it shall yet be.

The motion above stated, was proposed by Mr. Strother, of Virginia, to be amended, by adding thereto words to the following effect:

"Unless the information required by the gentleman from Virginia, is furnished by to-morrow morning."

H. OF R.

Sale of Public Lands—Remission of Duties.

MARCH, 1820.

"An act authorizing the Secretary of State to issue letters patent to Richard Wilcox." The bill was reported without amendment, and ordered to be read a third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of Anthony S. Delisle, Edward B. Dudley, and John M. Van Cleef." The bill was reported without amendment, and ordered to be read a third time to-morrow.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of the President, Directors, and Company, of the Merchants' Bank of Newport, in Rhode Island." The bill was reported without amendment, and it was ordered to lie on the table.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of Jennings O'Bannon." The bill was reported without amendment.

Mr. Foor moved to amend the said bill, by transposing the words on the *exhibition of proper vouchers*, from the place in which they stand, to come in next after the words *Treasury Department*.

And, the question being taken thereon, it was determined in the negative, and the bill was ordered to be read a third time to-morrow.

SALE OF PUBLIC LANDS.

The bill from the Senate, entitled "An act further to suspend, for a limited time, the sale or forfeiture of land for failure in completing the payment thereon," was read the third time; and the question was stated, Shall it pass? when

A motion was made by Mr. SLOCUMB to lay the bill on the table; which was opposed by Mr. ANDERSON.

A short debate then arose involving the merits of the bill, which was supported by MESSRS. HARDIN, FULLER, BRUSH, HILL, STORRS, CAMPELL, LOWNDES, RANKIN, BEECHER, and COOK, and opposed by MESSRS. COBB and SLOCUMB.

The ground on which the bill was supported, was, generally, that the indulgence, proposed to be extended by this bill, had been granted for so many successive years, that it had been confidently calculated upon by the purchasers of the public lands; and that there was nothing in the circumstances of the present times which made the indulgence less necessary than hitherto, but rather the contrary. It was not denied that this indulgence ought to cease, but, it was said, it ought not to cease without some previous intimation of the intention of Congress in this respect—such, for example, as would be given by the passage of the bill now depending for changing the mode of disposing of the public lands.

The bill was opposed on the ground that it was time to change a system which daily augmented the debt due to the Treasury, and kept from it so large an amount of money, at a time when the Treasury is certainly not overflowing. Some relief, probably, was necessary, but it was worthy of inquiry whether it could not be better given in a different form. If such a bill as this was to pass

at this session, however, it was contended that it ought to be delayed until the system could be examined, with a view to a remedy of what was certainly an evil, the progress of which ought to be arrested.

The motion to lay the bill on the table was overruled; and it was finally passed, not without opposition, but without a division, and returned to the Senate.

REMISSION OF DUTIES.

The House then resolved itself into a Committee of the Whole, on the bill from the Senate for the relief of certain persons who have paid duties on certain goods imported into Castine.

This bill embraces a case, in which, on the redelivery of Castine to the United States at the close of the late war, certain foreign goods were found there, and duties thereon were levied by the collector of the United States, though the same goods had previously paid the duties levied thereon by the British authorities. Most of the persons concerned resisted the payment demanded by the United States officers; and, by a recent decision of the Supreme Court, they are exempted from the payment, on the ground of national law.—Some, however, did pay their bonds; and this bill proposes, in order to place them on the same footing as those who resisted the payment, to refund from the Treasury the amount of those bonds.

On this bill a debate took place, it being opposed by MESSRS. HOLMES and RHEA, and supported by MESSRS. SMITH of Maryland, SERGEANT, SILSBEE, and MASON. MESSRS. TYLER and BARBOUR assigned the reasons why they should vote for the bill; yet disapproving the decision of the Supreme Court, which appeared to make its passage necessary, with a view to equity and justice.

The bill was opposed on the ground that, in all probability, the goods in question had been imported either during the war, to be smuggled into the United States—or, after the conclusion of peace, but before the place was given up, also with a view to their being conveyed into the United States, and thus to evade the duties which would have been payable had they been legally imported into the United States. If such were the fact, it was said that the duties ought not to be refunded.

The discussion resulted in the Committee's rising and reporting the bill, and obtaining leave to sit again.

FRIDAY, March 31.

Mr. WILLIAMS, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Rosalie P. Deslonde," made a detailed report thereon, recommending that the said bill be postponed indefinitely; which report and bill were ordered to lie on the table.

Mr. ALEXANDER SMYTH, from the Committee on Military Affairs, who were instructed to inquire into the expediency of providing for the payment of a gun and gun-carriage, taken by the enemy at the battle of North Point, on the 12th September, 1814, made an unfavorable report

MARCH, 1820.

Importation of Slaves.

H. OF R.

thereon; which was read, and ordered to lie on the table.

The amendments proposed by the Senate to the bill, entitled "An act making appropriations for the military service of the United States for the year 1820," were read, and committed to a Committee of the Whole.

The bill from the Senate, entitled "An act for the relief of certain sufferers by fire at Savannah, in Georgia," was read twice, and referred to the Committee of Ways and Means.

The resolution from the Senate, fixing a period for the termination of the present session of Congress, was read twice, and ordered to lie on the table.

The bill from the Senate for the relief of the heirs and representatives of Nicholas Vreeland, deceased, was read the third time, and the question having been put on its passage—

Mr. RANDOLPH moved that the bill do lie on the table; which motion was negatived.

The question was then taken, Shall it pass? and decided in the affirmative.

Mr. RANDOLPH then rose, and, after a speech of some length, to enforce the propriety of a respectful observance of this day, (Good Friday,) and of the duties connected with it—moved that when the House adjourn it adjourn to meet on Monday next, with an intimation that if the motion should prevail, he would forthwith follow it with a motion for adjournment.

The motion to adjourn over to Monday was negatived.

Mr. RANDOLPH then moved that the House do now adjourn.

This motion was also negatived—about twenty rising in favor of it.

Bills from the Senate of the following titles, to wit: An act for the relief of John A. Dix; An act authorizing payment to be made for certain muskets impressed into the service of the United States, (as amended); An act for the relief of the legal representatives of John O'Connor, deceased; An act for the relief of Mary Cassin, widow and administratrix of Patrick Cassin, deceased; An act for the relief of Robert Swartwout; An act for the relief of John Harding, Giles Harding, John Shute, and John Nicholas; An act authorizing the Secretary of State to issue letters patent to Richard Wilcox; and An act for the relief of Jennings O'Bannon; were severally read the third time, and passed.

IMPORTATION OF SLAVES.

The bill for the relief of Delisle, Dudley, and Van Cleef, being read a third time, and the question stated on its passage—

Mr. COCKE moved that the bill be indefinitely postponed.

[This is a case in which the forfeiture has been incurred by the importation of six domestic servants (slaves) by a captain of a vessel from a foreign port—he being officially assured by the Consul of the United States resident there, in writing, that there was nothing in the laws of the United States forbidding the importation of family slaves,

by a person importing himself into the United States. The bill proposes a remission of the forfeiture thus incurred without any intent to violate the law.]

The motion to postpone brought on a debate of considerable extent on the merits of the bill; in which Messrs. SLOUMB, FOOT, SETTLE, McLANE, SMITH of Maryland, BRUSH, TOMLINSON, WHITMAN, STORRS, TRIMBLE, RHEA, FULLER, TAYLOR, and LIVERMORE, took part.

Mr. FOOT, of Connecticut, said, the extreme anxiety and impatience of gentlemen to pass the bill under consideration had surprised him. Six weeks, said he, have been spent on a subject involving no principle which can compare, in point of importance, with this bill. The Missouri question did not involve the question of freedom or slavery, but merely whether slaves now in the country might be permitted to reside in the proposed new State; and whether Congress or Missouri possessed the power to decide. But, sir, we are called upon by this bill to remit a penalty incurred for a violation of our laws "to prohibit the importation of slaves into our country"—a law of all others which in my opinion should be rigidly enforced and most sacredly regarded. And, sir, I am astonished to hear gentlemen, who, on the Missouri question, which not only agitated this House, but the whole country, to its base, and threatened a dissolution of the Union; and gentlemen too, who, on that occasion, denounced all as the friends of slavery who honestly differed with them in opinion on the Constitutional power of Congress; yes, sir, and who boldly declared that, fearless of all consequences, they would impose the restriction;—that these gentlemen should now be the advocates for a virtual repeal of the only law which prohibits the importation of slaves! Sir, if you pass this bill, you open your ports immediately to the importation of slaves, without number, under the head of *domestics*.

I entreat gentlemen to pause, if indeed, as they profess, they are disposed to prevent the slave trade. Go, sir, with me to Martinique, and witness the attempts made by citizens of the United States to smuggle slaves into the United States under this pretence! If they may be admitted as *domestics*, every vessel will be full-freighted with these domestic servants, and the slave will be as free as before the passage of your law.

But, say the gentlemen, this petitioner is innocent—he was ignorant of your laws. If so, I would ask, why did he apply to the commercial agent, to inquire whether *domestic* slaves might safely be brought? Look, sir, at the letter of the commercial agent to this petitioner, and say, if you can, that the petitioner was ignorant of our laws? No, sir, the petitioner knew our law—he, sir, knew it was in violation of that law—and if, sir, after this, he was disposed to trust the chance of escape or evasion of that law, which, of all others, should be most rigorously enforced, I shall never give my vote for his relief.

Pass this bill, sir, and you may employ your armies and navies in vain to break up this most inhuman and barbarous traffic.

H. OF R.

Revolutionary Pensions.

MARCH, 1820.

The question on indefinite postponement was at length decided in the negative—89 to 67.

A doubt was then suggested by Mr. BARBOUR, whether Congress possessed the power to remit that portion of the forfeiture which by law accrues to the informers or prosecutors of the alleged offence, and whether the bill therefore did not, in this respect, require a limitation to that portion of the penalty which accrued to the United States.

Hereupon further debate took place; and a motion was made by Mr. PINDALL to recommit the bill, with instructions so to amend it as to remit only that portion of the forfeiture which has accrued to the use of the United States; which motion was decided affirmatively by a vote of 64 to 52.

REVOLUTIONARY PENSIONS.

The House took up, and proceeded to consider, the bill in addition to an act entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," passed on the 18th of March, 1818; and the said bill being read—

Mr. BARBOUR moved to amend the same, by striking out the third section and inserting in lieu thereof the following:

SEC. 3. *And be it further enacted*, That the act to which this is an amendment shall be so construed as that no person shall be entitled to its provisions whose property is of the value of —, which value shall be taken from the estimation of the court to which the schedule shall be exhibited, and which is hereinbefore required to be certified to the Secretary of War.

And, the question being taken thereon, it was determined in the negative.

Mr. WHITMAN then moved an amendment to strike out the whole of the said bill, except the enacting clause, and to substitute in lieu thereof the following:

SEC. 1. That every person who may hereafter apply for a pension under the act to which this is in addition, shall file with the judge who may administer the oath in relation to the service of the applicant, an additional affidavit, specifying the kinds, and the amount in value of each kind, of all and singular his goods, chattels, lands, and tenements, rights and credits, if any, of which he may be seized and possessed at the time of making his application; and, also, the income, if any, he may have from any other source, and comprising his ability to labor in aid of his subsistence; and exhibiting the state and degree of his reduced circumstances in life, and of his need of assistance from his country for support; and declaring that he has not, since the passage of the act to which this is in addition, in any manner alienated, assigned, transferred, sold, or conveyed, any portion of his estate, or in any manner encumbered the same, with a view to become entitled to the benefit thereof; which affidavit, being corroborated by other testimony, to the satisfaction of the judge, and being certified by him to have been so proved, shall be forwarded to the Secretary of War, with the other papers of the applicant, required by the act to which this is in addition.

SEC. 2. *And be it further enacted*, That the Secretary of War shall be, and he hereby is, required, whenever he shall have been informed, and whenever

he shall have good cause to apprehend, and shall, in fact, apprehend, that a pension has been granted, under the act to which this is in addition, to any person not justly entitled thereto, he shall cause notice thereof to be given to such pensioner, who shall, thereupon, file his affidavit, in the same manner, and comprising the same particulars, as are herein further provided, in the case of all further applications under the act to which this is in addition; and containing any other facts which the Secretary of War may prescribe to, and require of, such applicant, in relation to his term of service, and the corps or line in which he may have served; and the affidavit, being so filed, proved, and certified, shall be forwarded to the Secretary of War, who, on inspection thereof, shall decide whether such pensioner be entitled to his pension, and shall continue or revoke the same accordingly; and no pension shall be paid to any pensioner, which shall have become due, after notice, as aforesaid, from the Secretary of War, that his right to a pension has become doubtful, until the Secretary of War shall have decided, on inspection of the affidavit so to be forwarded, that the pensioner is justly entitled thereto.

SEC. 3. *And be it further enacted*, That the Secretary of War shall cause each of the district attorneys and marshals of the United States to be furnished with a list of the pensioners residing within their respective districts; and it shall be the duty of the said attorneys and marshals to acquaint the Secretary of War with every case in which they may apprehend that any person has been unduly placed on the pension list; and it shall, moreover, be the duty of the said attorneys to lay such lists before the grand jurors, at each and every term of the courts of the United States at which a grand jury shall be assembled, and examine each and every of them, as to any knowledge he may have of any person on said list who shall not be justly entitled to said pension; and any attorney who, on such inquiry, shall have reason to apprehend that any person named on said list has no just claim to a pension, he shall acquaint the Secretary of War therewith.

SEC. 4. *And be it further enacted*, That any person, being the agent or attorney of any pensioner, shall, before he shall receive the pension which shall at any time become due to his constituent or principal, declare, on oath, or affirmation, before some magistrate competent to administer the same, that he has not, directly or indirectly, either as the creditor of his constituent or principal, or otherwise, any claim to, or contract in, the money, or any part of it, which he may be about to receive; and that he will, without unnecessary delay, pay over the money he may receive, without deducting any fee or reward therefor, other than that which he may pay to a magistrate for authenticating the documents required to entitle him, as agent or attorney, to receive such pension, to the pensioner, personally, or to his guardian, executor, or administrator, entitled to receive the same.

SEC. 5. *And be it further enacted*, That if any person whatever shall withhold any pension certificate from any pensioner, his guardian, executor, or administrator, lawfully entitled to the possession of the same, under any pretence whatever, after reasonable notice and demand to deliver the same, he shall forfeit and pay to the person entitled to the possession of such certificate, to and for the use of such pensioner, his heirs, or assigns, twice the amount of

MARCH, 1820.

Revolutionary Pensions.

H. OF R.

any sum that, at the time of making such demand, shall be due, or that shall become due thereon at any time before the surrender of such certificate to the person justly entitled to the possession thereof; to be recovered by action of debt, in any court proper to try the same.

SEC. 6. *And be it further enacted*, That, in case of the insanity of any person entitled to the benefits of the act to which this is in addition, his application therefor may be made by guardian, or the person or persons to whom, by law, the custody of such insane person, his goods and effects, shall have been assigned, who shall state the facts, a statement of which would, otherwise, have been required of such insane person; and shall swear, or affirm, that the same are true, according to the best of his or their knowledge and belief; and shall, also, produce other evidence of the truth thereof, to the satisfaction of the judge who shall attend to the verification of such facts.

SEC. 7. *And be it further enacted*, That any person who shall, wittingly and willingly, testify falsely in relation to any matter and thing required by this act, shall be deemed and taken to be guilty of the crime of perjury; and, being thereof convicted, shall be punished accordingly.

The said substitute being read—

Mr. BLOOMFIELD moved that the bill lie on the table; which being rejected, the question was then taken on the amendment moved by Mr. WHITMAN, and determined in the negative.

Mr. STORRS moved to amend the bill by striking out the word "indigent," in the sixth line of the third section. And, on the question to agree thereto, it was determined in the negative.

Mr. WILLIAMS, of North Carolina, then said, he was not able to discover any good reason for a distinction between the officers and soldiers of the Revolutionary war now reduced to poverty; and, as putting them on the same footing would save to the country annually a considerable sum of money, he moved to add the following as a new section to the bill:

"That no officer who now is, or may hereafter be placed on the pension list, shall, after the payment of that part of his pension which became due on the 4th day of March, 1820, be entitled to receive more than ten dollars per month, the same as received by all other persons on the pension list."

The yeas and nays being required by Mr. CANNON on agreeing to this motion, were—for the motion, 62; against it, 89; as follows:

YEAS—Messrs. Alexander, Archer of Maryland, Archer of Virginia, Ball, Barbour, Beecher, Brevard, Brown, Bryan, Burton, Burwell, Campbell, Cannon, Cobb, Cocke, Cook, Crafts, Crawford, Cuthbert, Davidson, Earle, Edwards of North Carolina, Floyd, Folger, Gross of Pennsylvania, Hall of North Carolina, Hazard, Hendricks, Hooks, McCoy, McCreary, McLean of Kentucky, Marchand, Metcalf, R. Moore, Overstreet, Parker of Virginia, Plumer, Reed, Rich, Richards, Richmond, Robertson, Ross, Sawyer, Settle, Shaw, Sloan, Slocumb, B. Smith of Virginia, Smith of North Carolina, Southard, Stevens, Strong of Vermont, Strother, Swearingen, Tarr, Terrell, Tompkins, Tucker of South Carolina, Walker, and Williams of North Carolina.

NAYS—Messrs. Abbot, Adams, Allen of New York,

Allen of Tennessee, Anderson, Baldwin, Bateman, Bayly, Bloomfield, Boden, Brush, Buffum, Butler of Louisiana, Case, Claggett, Clark, Culpeper, Cushman, Darlington, Dewitt, Dickinson, Dowse, Eddy, Edwards of Connecticut, Fay, Foot, Ford, Forrest, Fuller, Fullerton, Hackley, Hall of New York, Hall of Delaware, Hardin, Hibbsman, Hill, Holmes, Hostetter, Jones of Virginia, Jones of Tennessee, Kendall, Kent, Kinsey, Kinsley, Lathrop, Little, Lincoln, Linn, Livermore, Lowndes, Maclay, McLane of Delaware, Mallary, Mason, Meech, Meigs, Mercer, S. Moore, Monell, Morton, Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, Parker of Massachusetts, Patterson, Philson, Pindall, Pitcher, Quarles, Rhea, Rogers, Russ, Sampson, Silsbee, Smith of New Jersey, Smith of Maryland, A. Smyth of Virginia, Strong of New York, Taylor, Tomlinson, Tracy, Tyler, Van Rensselaer, Wallace, Wendover, Whiteman and Wood.

Mr. LIVERMORE moved to amend that part of the first section of the bill which requires an applicant for a pension to swear, or affirm, that he was a *resident* citizen of the United States on the 18th of April, 1818, by striking out the word *resident*; which was rejected.

Mr. CANNON, under the impression that the service of the militia had been of as much importance, and their sacrifices as great at least as those of the continental soldiers, moved to amend the bill by adding a new section, as follows:

SEC. 4. *And be it further enacted*, That the officers, non-commissioned officers, musicians, and privates, of the militia, who have performed service to the amount of nine months, by one or more tours of duty, during the Revolutionary war, shall also be entitled to the provisions of the aforesaid act, passed the 18th of March, 1818.

Mr. HARDIN suggested that the proposition of the gentleman from Tennessee was incomplete. He ought to have connected with it provisions for a direct tax or internal duties, which would be the necessary consequence of a measure that would add full five millions to the present amount of expenditures under the pension act.

Mr. CANNON said, he would tell the gentleman, if Congress went on with their present enormous expenditures, he should be ready, without this provision, for a direct tax. He placed his motion, he said, on the grounds of equality and justice, which appeared to him to sustain it.

Mr. BLOOMFIELD said a few words against the motion; when the question was taken thereon, and decided in the negative, five or six members rising in support of it.

Mr. CAMPBELL then moved to amend the bill, by adding thereto the following section:

SEC. 4. *And be it further enacted*, That no application for a pension under the act to which this is an amendment, shall be received by the Secretary of War after the first day of June, 1820.

This motion was supported by the mover, and opposed by Messrs. McLEAN, LIVERMORE, FOOT, CULPEPER, BLOOMFIELD, and A. SMYTH—and was decided in the negative, without a division.

Mr. STROTHER moved an amendment, to strike out the whole of the said bill, except the enacting clause, and to substitute, in lieu thereof, the following:

H. OF R.

Revolutionary Pensions.

MARCH, 1820.

"That the act, entitled 'An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war,' passed the 18th day of March, 1818, be, and the same is hereby, repealed."

Mr. S. said he voted for the law, without foreseeing the extent of its operation. Being convinced, now, that its benefits were not equal to its expensiveness, he made the best reparation he could to the country, by moving its repeal.

Mr. CANNON assigned the reason why, contrary to his disposition heretofore expressed, he should vote for the repeal of the law. He had endeavored to obtain amendments to the law, to place the officers and soldiers on the same footing, and to place the militiaman, of equal or greater merit, on the same footing as the continental soldier. In these objects, he had failed; and he felt himself now bound to vote for the repeal of a law unjust and inequitable in its operation.

Mr. CUSHMAN, of Massachusetts, spoke as follows:

Mr. Speaker, I am opposed to the amendment now under consideration, as well as to most of the provisions of the bill, as reported by the Committee of Ways and Means; for, as much as I regret that the revenue should be burdened with a list of pensioners, of almost every description, I should more deeply regret that the law granting aid to the Revolutionary soldier, in reduced circumstances, should be repealed, or even modified to his detriment. This repeal, sir, or modification, would be attended with consequences to be deprecated. It would shake a confidence in the promises of Government, and excite suspicions injurious to its reputation for wisdom or rectitude. What, sir, will you, of your own good will and pleasure, make a gratuity, and guaranty your bounty for life, by all the formalities of law and justice, and upon experiencing some trivial inconvenience, some temporary scantiness of funds, some delay in collecting your revenues, rescind your solemn engagement? Who hereafter will have any reliance on your plighted faith? Such a conduct would degrade an individual, and will it comport with the honor and dignity of a great nation, if not with an overflowing treasury, rich in resources? Will it not serve to strengthen the opinion, too readily adopted, that a Government by the people is unstable and fluctuating; that it is characteristic of all republics to be ungrateful? It belongs to the American Republic, by a magnanimous policy, to wipe away this vile reproach—to prevent this foul stain.

The present generation, living in ease and basking in the sunshine of prosperity, can form no adequate conception of what the army of the Revolution suffered in the cause of liberty, to prevent the tyranny meditated for this country.

In the first years of the war the soldiers enlisted with little or no bounty; served with little or no pay; frequently subsisted on scanty rations; and, hungry, thirsty, and without convenient clothing, endured the severest fatigue. They took the field in the lowest ebb of their country's fortune, with no prospect before them but victory or death.

Amidst the inclemency of the seasons they performed difficult marches, while the falling snows were discolored, or the frozen ground besprinkled, with the blood issuing from their lacerated feet. On the cold earth they bivouacked, exposed to the beating storms, with no other covering but the canopy of the heavens. Under every discouragement they persevered, and in every scene of action or distress displayed a patience and fortitude, a patriotism and valor, which no obstacles could overcome, no dangers appal. They suffered, they fought and bled, not to swell the triumphs of a proud conqueror, not to enslave any portion of mankind, but in the cause of justice and humanity, to ameliorate the condition of their fellow-men, and their achievements were such as to astonish and delight the world. They broke the rod of the oppressor, and procured for an aggrieved people freedom, sovereignty, and independence.

To an honorable gentleman from Maryland, (Mr. S. SMITH,) as well as to an honorable gentleman from New Jersey, (Mr. BLOOMFIELD,) who partook in the sufferings, and aided the triumphs, of the Revolutionary army, I dare appeal for the general correctness of what I have here affirmed. Is it credible; does it not rather exceed belief, that a single murmur should be heard, an unpleasant sensation indulged, because the soldier, who devoted the bloom and vigor of life to save his country from oppression, should receive from that country a small boon? Is it manly; is it generous; does it comport even with equity, to take from him this boon, and leave him nothing to show for his prowess and toils but poverty, wretchedness, and scars? Let no such injustice, sir, stain your journals. Let it never be recorded by history's golden pen. Does it become those who, privileged with a seat within these magnificent walls; who behold the splendors of the Capitol; who solace themselves in the elegant pleasures, the refined luxuries of the city; whose every sense is regaled with its brilliant scenes; does it become those who, by the courtesy of the people, are clothed with the robes of office, and by their bounty fare sumptuously every day; does it, sir, become such to grudge the plain morsel, the homely meal, to the warworn soldier, by whose sufferings and blood they are enabled to participate in those elevated enjoyments? Honor, and every ennobling sensation of the generous mind, must recoil from the attempt. It should be the policy of our Government, as I trust it is, to countenance manly virtue, to cherish exalted merit, to allure to uncommon excellence by motives calculated to operate on liberal minds, and generously to reward the patriotic and brave, who for the public safety expose their own lives.

In advocating the cause of the Revolutionary soldiers, I feel a confidence in the rectitude of my sentiments. They are supported by those of the great WASHINGTON, so justly styled the Father of his Country; which, sir, with your leave, I will recite. They are to be found in a letter addressed to the President of Congress, dated Headquarters, Newburg, March 18, 1783. They are these: "If, besides the simple payment of their wages, further

MARCH 1820.

Revolutionary Pensions

H. OF R.

'compensation is not due to the sufferings and sacrifices of the officers, then have I been mistaken, indeed. If the *whole army* have not merited whatever a grateful people can bestow, then have I been beguiled by prejudice, and built an opinion on the basis of error." "And if, retiring from the field, they are to grow old in poverty, wretchedness, and contempt; if they are to wade through the vile mire of dependency, and owe the miserable remnant of that life to charity, which hitherto has been spent in honor, then shall I have learnt what ingratitude is; then shall I have realized a tale which will embitter every moment of my future life. But I am under no such apprehension. A country rescued by their arms from impending ruin will never leave unpaid the *debt of gratitude*."

Such, sir, were the sentiments of the patriotic Chief of our Revolutionary army. They speak to the understanding, and they speak to the heart. They invoke our justice as well as our gratitude, and they urge with a pathos and force which, I trust, will not be resisted. I am, sir, unwilling to believe that there are many in this House, or even in the nation, who would snatch from the veteran soldier the only prop on which he can lean now in the decline of life. This would be sporting with his feelings. It would not merely cause those wounds which he received in fighting for independence to bleed afresh, it would make new and deep incisions in the tenderest sensibilities of the heart. What, sir, after assuaging the anguish of his wound, and raising in him some faint desire of life, will you withdraw your compassionate hand, and leave him to perish in his blood? I conjure you, sir, by those almost divine sympathies which are cherished by the patriotic and the brave, to continue your bounty. Impart to the drooping soldier some gleam of comfort, some ray of consolation, hastening, as he is, to that undiscovered country from whose bourne no traveller returns.

I dissent, sir, from gentlemen who have expressed their wishes on this subject. I neither desire, with my amiable young friend and worthy colleague, (Mr. LINCOLN,) that the soldier of the Revolution should live forever; nor, with the honorable Speaker, whom I should feel a pride and pleasure in calling my friend, that the life of the soldier should be protracted to the term of nine hundred and ninety-nine years. If I have any wish on this score it is this, that, as the soldier of the Revolution fought the good fight, and sealed the republican cause with his blood, when he shall have finished his course, he may be translated to happier regions; where, secure from the strictures and frowns of the ungrateful, he may receive the rewards due to patriotism and valor, to moral virtues and generous deeds.

Without further debate, the question was taken on the motion of Mr. STROTHER, to repeal the law and decided: For the motion 32, against the motion 122, as follows:

YEAS—Messrs. Archer of Maryland, Archer of Virginia, Barbour, Brevard, Burton, Burwell, Cannon, Cobb, Crawford, Cuthbert, Edwards of North Carolina, Fisher, Hall of Delaware, Jones of Virginia,

Lowndes, McCoy, Metcalf, Morton, Parker of Virginia, Quarles, Reed, Richards, Robertson, Sawyer, Slocumb, B. Smith of Virginia, Smith of North Carolina, Strong of Vermont, Strother, Terrell, Tompkins, and Walker.

NAYS—Messrs. Abbot, Adams, Alexander, Allen of Massachusetts, Allen of New York, Allen of Tennessee, Anderson, Baker, Baldwin, Ball, Bateman, Bayly, Beecher, Bloomfield, Boden, Brown, Brush, Bryan, Buffum, Butler of Louisiana, Campbell, Case, Clagett, Clark, Cocke, Cook, Crafts, Culbreth, Culpeper, Cushman, Darlington, Dewitt, Dickinson, Dowse, Earle, Eddy, Edwards of Connecticut, Fay, Floyd, Folger, Foot, Ford, Forrest, Fuller, Fullerton, Gross of Pennsylvania, Hackley, Hall of New York, Hardin, Hazard, Hendricks, Hibshman, Hill, Holmes, Hooks, Hostetter, Jones of Tennessee, Kendall, Kent, Kinsey, Kinsley, Lathrop, Little, Lincoln, Linn, Livermore, Lyman, Maclay, McCreary, McLane of Delaware, McLean of Kentucky, Mallary, Marchand, Mason, Mercer, R. Moore, S. Moore, Monell, Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, Overstreet, Parker of Massachusetts, Patterson, Philson, Pindall, Pitcher, Plumer, Rhea, Rich, Richmond, Rogers, Ross, Russ, Sampson, Settle, Silsbee, Sloan, Smith of New Jersey, Smith of Maryland, A. Smyth of Virginia, Southard, Stevens, Storrs, Strong of New York, Swearingen, Tarr, Taylor, Tomlinson, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Van Rensselaer, Wallace, Wendover, Whitman, Williams of North Carolina, and Wood.

Mr. MORRIS then moved that the said bill be amended by striking out all thereof except the enacting clause, and substituting, in lieu thereof, the following:

That every person who now is, or hereafter may be, placed on the pension list of the United States, by virtue of an act of Congress, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," passed the eighteenth of March, 1818, who served for the term of nine months, and for a term less than three years, shall be entitled to receive the amount of the pension allowed him by said act for the term of three years from the date of his declaration, and no longer; and every person who now is, or who hereafter may be, placed on the pension list of the United States by virtue of the act aforesaid, who served for the term of three years, or longer, shall be entitled to receive the amount allowed him by said act for the term of five years from the date of his declaration, and no longer.

The said substitute being read, the question was taken to agree thereto, and determined in the negative—186 to 46.

Mr. STROTHER again moved to strike out all of the said bill except the enacting clause, and to substitute, in lieu thereof, the following:

That, after the half year ending in September next, the pensions of all persons who have been placed on the pension list under the act hereby amended, shall be respectively reduced fifty per cent.

And, the question being taken thereon, it was determined in the negative.

Mr. WHITMAN moved to add to the said bill the fourth and fifth sections of the substitute this day proposed by him, and rejected by the House.

H. OF R.

Revolutionary Pensions.

APRIL, 1820.

And, the question being taken thereon, it was determined in the negative.

The question was then taken on ordering the bill to be engrossed for a third reading, and decided in the affirmative, by a large majority.

SATURDAY, April 1.

Mr. ANDERSON, from the Committee on the Public Lands, made a report on the petition of sundry inhabitants of the State of Ohio, residing between the Miama and Scioto rivers; which was read, and the resolution therein contained was concurred in by the House, as follows:

Resolved, That it is inexpedient to pass any law upon the subject of the complaint of the petitioner.

Mr. ANDERSON, from the same committee, who were instructed to inquire into the expediency of passing a law to procure, for the use of the United States, copies of the plans and field notes of the lands in the "Ohio Company's Purchase," made an unfavorable report thereon; which was committed to a Committee of the Whole on Monday next.

Mr. CAMPBELL, from the same committee, to which was referred the bill from the Senate, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," reported the same without amendment; and the bill was committed to a Committee of the Whole.

Mr. KENT, from the Committee on the District of Columbia, reported a bill for the relief of William Pancoast; which was read twice, and ordered to be engrossed, and read a third time.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to which was recommitteed the bill from the Senate, entitled "An act for the relief of Anthony S. Delisle, Edward B. Dudley, and John M. Van Cleef," reported the same with amendments; which were read and concurred in by the House, and ordered to be engrossed, and the bill read a third time.

Mr. HOLMES, from the select committee to whom was referred the bill from the Senate, entitled "An act for apportioning the Representatives in the Seventeenth Congress to be elected in the States of Massachusetts and Maine, and for other purposes," reported the same without amendment; and the bill was ordered to be read a third time today. The bill was accordingly read the third time, and passed.

Mr. RANDOLPH rose to make a motion which was not more, he said, the result of duty than of inclination. If we cannot, said Mr. R., comply with all the injunctions of duty, incumbent upon us at this time, let us approximate as nearly to it as we can; and, if we cannot make ourselves unspotted before the world, we may at least visit the fatherless and the widow. Mr. R., therefore, moved to postpone all the orders of the day preceding, and take up the bill for the relief of the widow and children of the late Oliver Hazard Perry.

On this motion the House divided, and the vote was, ayes 58, noes 64—so the motion was negatived.

On motion of Mr. COCKE, and after some remarks explanatory of his object, which was chiefly to ascertain if contracts had been made for the sake of favorites, it was—

Resolved, That the Secretary of War be instructed to lay before this House copies of all contracts made and entered into by the Commissary General for supplying provisions for the Army of the United States since the establishment of that Department; also all propositions made, and which were not withdrawn, for supplying the same, specifying particularly to which contract the several propositions apply.

REVOLUTIONARY PENSIONS.

The engrossed bill to amend the Revolutionary Pension Law was read the third time, and the question stated on its passage.

Mr. ADAMS, Mr. STRONG of New York, and Mr. GROSS of New York, respectively, submitted their reasons at large against this bill.

Mr. BARBOUR proposed to recommit the bill, with the view of introducing an amendment.

Mr. ADAMS moved to postpone the bill indefinitely, but afterwards varied his motion to postpone it to the next session of Congress.

On this motion a debate of much animation, and of two or three hours' duration, took place. The motion was sustained for various reasons, but chiefly that the bill was not such a modification of the existing act as was acceptable to them, by MESSRS. MOSELEY, ADAMS, PINDALL, CLAGETT, TAYLOR, and HARDIN—the two last named gentlemen being averse to the repeal of the act at all. The motion to postpone was opposed by MESSRS. ANDERSON, BARBOUR, CULPEPER, OVERSTREET, RHEA, BLOOMFIELD, and WARFIELD.

Mr. CLAGETT, of New Hampshire, said—

Mr. SPEAKER, so far as this bill and the proposed amendments are intended to operate as a repeal of the law in question, whether to change the pension for life to a less, or any limited number of years, or in any manner to lessen the amount granted to the officers or soldiers for whose benefit that law passed, I am opposed to the measure. The ground of my opposition arises from a firm belief, first, that the officers and soldiers of the Revolution are entitled to our consideration; and, secondly, that the law intended to be in part repealed vests, in those who are really the subjects of it, a right of which Congress has not now a moral power to divest them. Writers upon national law consider "nations as moral persons," and hold them bound to a strict performance of their engagements; and, indeed, a contrary doctrine would tend to incalculable evil. But, sir, it has been said by an honorable gentleman from Virginia, (Mr. BARBOUR,) that the pensions granted by the law of 1818 were gratuitous, and that, therefore, we are not morally bound to carry that law into complete effect. That gentleman has compared the obligation of that law upon us to a compromise made by one individual to another, without a legal consideration. Sir, I thank the honorable gentleman for his elucidation; and, though fully aware that that gentleman always takes as strong ground as his case will admit, I will venture to pursue the analogy, so far as

APRIL, 1820.

Revolutionary Pensions.

H. OF R.

it goes, adding to it, however, what should not have been omitted, and then apply it, by way of comparison, to the subject before us. The case stated was, in substance, this: "a poor mendicant asks charity of an individual, who, believing himself in affluent circumstances, and actuated by benevolent and noble principles, promises the desired relief; but, upon examining his coffers, and finding them not so full as he had expected, the promissor believes he cannot perform his promise without injury to himself or family: is he (says the gentleman) bound to the performance?" Sir, while I verily believe, had the honorable gentleman himself made such a promise, he would have scrupulously performed it, I readily admit that, in the case thus stated, he would not be legally bound; and I will also admit, that, if the state of his funds was, in fact, such that he could not extend the hand of charity, as promised, without material injury to himself or family, he would not be even morally bound to the performance. But, sir, as my honorable friend has cautiously submitted a case to suit his argument, permit me to add to his case, thus stated, the residue of what would most certainly have happened, had the same gentleman been the promissor. Suppose, then, the act of charity had been perfected, and the promised donation in possession of the donee; would the donor have either a legal or moral right to reclaim it? Sir, I will cheerfully submit this question to the decision of my honorable friend from Virginia, in full confidence that his answer will be in the negative.

And now, sir, let us compare this with the case before us; and, for the sake of argument, and to make a complete parallel, I will suppose that the soldiers of the Revolution had no claim upon you but that of charity. Suppose then, sir, as the fact really was, that, at the commencement of the last Congress, when you met under circumstances most auspicious, than which few sessions, if any, more pleasant have passed, or may again soon occur; when an expensive war had terminated gloriously, peace and prosperity pervaded our common country, and our Treasury was overflowing—at that moment, the Chief Magistrate recommended to your consideration the debt of gratitude due to the soldiers of the Revolution; you seized the opportunity, and, actuated by the noblest feelings of the human heart, you promised relief to the poor and needy among those by whose valor (under Divine Providence) the nation had been advanced to such a state of prosperity; and you pledged the faith of that nation for its performance. Yes, sir, by the most solemn act in your power, you gave them this pledge; you passed a law, under all the solemnities of legislative authority, that, during the remainder of their lives, they should annually receive from your Treasury a certain stipulated sum; you put this law into their hands, as an order on your Treasury; they have presented it, and it has been accepted; and these suffering soldiers, with tears of gratitude in their eyes, and with benedictions upon their country, have received a part of your bounty, as an earnest of the whole.

Mr. Speaker, I have pursued and finished the parallel drawn by the honorable gentleman from Virginia; and, I ask, is it not strikingly analogous to the case before us? And, sir, though your Treasury may not now be full to overflowing, you are rich in resources, and able to fulfil all your engagements. Will you withdraw from the indigent soldier this gratuity? (admitting it to be such only.) Nay, sir, can you, consistent with moral principles, withhold this stipulated relief? No, sir, you cannot; and I might safely rest my argument here; but the soldier of the Revolution has a stronger claim, if possible, than that of mere charity. You promised him wages, food, and raiment, while fighting the battles of his country and defending her liberties. How were these promises performed? You promised him forty shillings per month; but, when received, forty dollars would not purchase a pair of shoes; no, not a dinner. You promised him food and raiment convenient for him; but, alas! the history of our country records against us the non-performance of these promises; and the very footsteps of the promisee established the fact! Sir, I am far, very far, from imputing to the then Government intentional laches or neglect. No, sir, it was a time of general distress; and the Government was then unable to fulfil its engagements—not so when you passed this law; not so now. Sir, I repeat, your resources are ample to meet all just claims. Are you not bound to perform your engagement? Yes, sir, whether you consider this law as founded on a debt due by contract, or mere gratitude to the Revolutionary soldier, he has a vested right in his pension for life; and you are bound, morally bound, to perform your engagement. But, sir, it has been contended that the soldier's right to his pension, under the law, is not vested. Let me ask gentlemen, what remains to make this a vested or perfect right? Was not the act of the Government as perfect and as solemn as it was possible to make it? Was it not founded upon a good and valuable consideration? And has not the soldier accepted it? Yes, sir, all this clearly appears. What more, then, could have been done by either party to perfect this right? I know of nothing.

But, sir, many of these soldiers, confiding in the integrity of Government, have changed their situations in life; and depending on their pensions for support, have promised portions of what is yet due, to those who have furnished them with the necessities of life; and, if this law should now be repealed, in whole or in part, how great will be their disappointment and distress; their joy will be changed to grief, and many of them will have received an injury instead of a benefit. Sir, would this fulfil our obligations to the defenders of our liberties, or, in the language of the report of the Committee on Revolutionary Pensions, (which I had hoped would have been sooner acted upon,) will it "comport with the honor and dignity of the nation?" Sir, I think it will not. But, it is said, frauds are committed under this law; and, in order to ascertain it, we have had recourse to the Secretary of War, who has reported that he

H. OF R.

Proceedings.

APRIL, 1820.

has been informed of some few instances, and that in all cases where fraud has been manifest, he has applied a remedy; he has stricken such fraudulent claimants from the pension roll. Sir, I do not give a decided opinion that this power is strictly within the purview of the law; but, if there be any doubt on that subject, I am willing to place the power in that officer by law, and have no doubt it will be strictly and properly executed; or, if some other mode is preferred, I am ready to give all the aid in my power to guard against fraud, but I cannot consent to repeal the law, or in any manner to lessen the pensions granted; nor am I willing to annex such new and unreasonable expenses and burdens on the poor and innocent pensioners, because of the suggestion that some few may have been guilty of fraud, and have evaded the law.

Sir, it is well known what trouble and delay have attended the claimants already in perfecting their claims; and, should the proposed amendments be adopted, the soldiers will, at all events, be deprived of a part of their promised pensions, and, as to the residue, the trouble and expense will be so great that many of them, by reason of poverty, age, and infirmity, will be unable to comply with the requisitions; and as to such the operation will virtually be as a repeal of the law in toto. But it is also urged by the friends of the amendments, that the present law operates unequally; and I admit it; and when it was enacted I was in favor of a different provision, as I should be now, if practicable. It was my wish to have distributed this bounty to all the officers and soldiers of the regular Revolutionary army, but in a different manner; and I am fully convinced that the same amount, and probably much less, would have given general satisfaction. But, sir, the law which then passed was the only one which could be agreed upon, and it had my vote. And, sir, believing that the faith of the nation is pledged for the execution of that law, I shall vote against the proposed amendments.

The motion to postpone the bill was finally negatived by yeas and nays, as follows:

YEAS—Messrs. Adams, Allen of Massachusetts, Allen of New York, Baker, Baldwin, Bateman, Bayly, Boden, Brush, Bryan, Buffum, Clagett, Clark, Cook, Crafts, Cushman, Dewitt, Dowse, Edwards of Connecticut, Edwards of Pennsylvania, Fay, Fuller, Gross of New York, Gross of Pennsylvania, Hackley, Hall of Delaware, Hardin, Hibbsman, Hill, Holmes, Kendall, Kent, Kinsey, Lathrop, Lincoln, Livermore, McCreary, Mallary, Mason, Meech, Meigs, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Parker of Massachusetts, Pindall, Pitcher, Rogers, Silsbee, Sloan, Stevens, Storrs, Strong of New York, Swearingen, Taylor, Van Rensselaer, and Whitman—63.

NAYS—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Ball, Barbour, Beecher, Bloomfield, Brevard, Brown, Burton, Burwell, Butler of New Hampshire, Butler of Louisiana, Campbell, Cannon, Case, Cobb, Cocke, Crawford, Crowell, Culbreth, Culpeper, Cuthbert, Darlington, Dickinson, Earle, Eddy, Edwards of North Carolina, Fisher, Floyd, Folger, Foot, Forrest, Ful-

lerton, Garnett, Hall of New York, Hazard, Hemphill, Hendricks, Herrick, Hooks, Hostetter, Jones of Virginia, Jones of Tennessee, Kinsey, Linn, Lowndes, Lyman, McCoy, McLean of Kentucky, Metcalf, Newton, Overstreet, Parker of Virginia, Patterson, Phelps, Philson, Plumer, Rankin, Reed, Rhea, Rich, Richards, Robertson, Ross, Russ, Sampson, Sawyer, Settle, Shaw, Slocumb, Smith of New Jersey, Smith of Maryland, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Southard, Strother, Tarr, Terrell, Tomlinson, Tomkins, Tracy, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Wallace, Warfield, Wendover, Williams of North Carolina, and Wood—95.

On motion of Mr. BARBOUR, the bill was then amended by unanimous consent; whereupon, Mr. B. withdrew his motion for its recommitment to a select committee; and the question was then taken, Shall the bill pass? and it was determined in the affirmative—yeas 80, nays 72, as follows:

YEAS—Messrs. Alexander, Anderson, Archer of Md., Archer of Virginia, Ball, Barbour, Beecher, Bloomfield, Brevard, Brown, Bryan, Burton, Burwell, Butler of New Hampshire, Cannon, Cobb, Cocke, Crawford, Crowell, Culpeper, Cuthbert, Darlington, Davidson, Dickinson, Earle, Eddy, Edwards of North Carolina, Fisher, Floyd, Folger, Foot, Forrest, Fullerton, Garnett, Hall of New York, Hazard, Hendricks, Herrick, Hooks, Hostetter, Jones of Virginia, Jones of Tennessee, Kinsey, Lowndes, Lyman, Maclay, McCoy, McLean of Kentucky, Metcalf, Newton, Overstreet, Parker of Virginia, Patterson, Philson, Rankin, Reed, Rhea, Richards, Robertson, Ross, Russ, Sampson, Settle, Slocumb, Smith of Maryland, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Southard, Strother, Tarr, Terrell, Tomlinson, Tompkins, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Warfield, and Williams of North Carolina—80.

NAYS—Messrs. Adams, Allen of Massachusetts, Allen of New York, Allen of Tennessee, Baldwin, Bateman, Bayly, Boden, Brush, Buffum, Case, Clagett, Clark, Cook, Crafts, Culbreth, Cushman, Dewitt, Dowse, Edwards of Connecticut, Edwards of Pennsylvania, Fay, Fuller, Gross of New York, Gross of Pennsylvania, Hackley, Hall of Delaware, Hardin, Hemphill, Hibbsman, Hill, Holmes, Kendall, Kent, Kinsley, Lathrop, Lincoln, Linn, Livermore, McCreary, Mallary, Mason, Meigs, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Parker of Massachusetts, Phelps, Pindall, Pitcher, Plumer, Rich, Rogers, Silsbee, Sloan, Stevens, Storrs, Strong of New York, Swearingen, Taylor, Tracy, Van Rensselaer, Wallace, Wendover, Whitman, and Wood—72.

MONDAY, April 3.

Mr. RHEA reported a bill concerning invalid pensioners; which was read twice, and committed to the Committee of the Whole to which is committed the bill to revive and continue an act to provide for persons who were disabled by known wounds received in the Revolutionary war.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill to amend the several acts providing for sick and disabled seamen, and for establishing naval hospitals; which

APRIL, 1820.

Fugitive Slaves—Remission of Forfeiture.

H. OF R.

was read twice, and committed to a Committee of the Whole to-morrow.

Mr. SMITH, from the same committee, to which were referred bills from the Senate of the following titles, to wit: "An act for the relief of Walter Channing," and "An act for the relief of certain sufferers by fire at Savannah, in Georgia," reported the same without amendment, and they were respectively committed to a Committee of the Whole.

Mr. CAMPBELL, from the committee appointed to inquire into the expediency of providing by law for the location of warrants which issued to the officers and soldiers of the Virginia line on continental establishment, in the Revolutionary war, and for the emanation of patents in cases where locations have been made, made a report, in which they ask to be discharged from the further consideration of the subject; which report was read, and concurred in by the House.

FUGITIVE SLAVES.

Mr. PINDALL, of Virginia, offered for consideration the following resolution, in support of which he made some remarks, referring to the current report that an act of the description therein referred to had recently passed the Legislature of Pennsylvania:

Resolved, That the Secretary of the Treasury be instructed to procure and transmit to this House, as soon as practicable, a copy of such late act or acts of the Pennsylvania Legislature as prohibit or restrain the justices, aldermen, or other magistrates or officers of that State from interposing in the apprehension or surrender of fugitive slaves, [or from carrying into effect the act of Congress, entitled "An act respecting fugitives from justice and persons escaping from the service of their masters," passed on the 12th of February, 1793.]

Mr. MACLAY, of Pennsylvania, suggested that, if the object of the motion was only to obtain a copy of the act, the latter clause of the resolve was unnecessary, and he wished to see it expunged, because he did not think that any act had passed the Legislature prohibiting the State officers from carrying into effect the act of Congress.

To obviate this objection, Mr. PINDALL consented to modify his motion so as to omit the clause within brackets, at the close of the above resolve.

The resolve was then amended, on motion, by adding to the end of the resolution the words following: "Provided, any such act or acts shall have been passed."

Mr. S. MOORE then moved to lay the resolution on the table; which motion was opposed by Mr. STROTHER, and it was negatived, and the resolution was agreed to.

REMISSION OF DUTIES.

Mr. HOLMES prefaced the submission of the following resolve, with a few remarks explanatory of his object. He said he believed that very few gentlemen were aware of the importance of the principle involved in this bill. There were, he said, about forty-five claimants, for whose benefit the bill was intended; and the sum involved was

not less probably than fifty thousand dollars. The subject was, therefore, worthy of inquiry, and it was particularly desirable that the House should not, through want of information, be induced to remit the duties on goods imported into the British lines during the war by American merchants, with a view to their being smuggled into the United States. Such, he was under the impression, was the case of at least some of these claimants. He, therefore, moved this resolution:

Resolved, That the Committee of the Whole be discharged from the further consideration of the bill for the relief of certain persons who have paid duties on certain goods imported into Castine, and that it be recommitted to the Committee of Ways and Means, to inquire and report—

1. Who are the persons claiming relief under the bill, and the amount of each claim.

2. At what time the goods, from which a relief from duties is claimed, were imported into Castine.

3. Who were the importers, and on whose account.

4. What amount of goods were originally imported by any of the claimants, and how much thereof have been disposed of, and in what manner.

5. What was the price or value at the time of importation.

6. What duties were paid on them to the British custom-house.

7. And to report any other facts which they may deem expedient, not embraced within the scope of these inquiries; or to make such amendments to the bill as may be proper to exclude from its provisions certain claimants who were importers of goods into a territory occupied by the enemy.

Hereupon a debate arose—the resolution being opposed by Messrs. SMITH, of Maryland, MASON, KINSLEY, WHITMAN, and LIVERMORE, on the ground that it would produce unnecessary delay, &c., and that there was nothing in the nature of the cases which called for this inquiry; and being supported by the mover of the resolve, and by Messrs. BUTLER, of New Hampshire, CLAGETT, and RHEA.

After a long debate the question was taken, separately, on discharging the Committee of the Whole from the further consideration of the bill, on recommitting it to the Committee of Ways and Means, and on adding the instructions proposed, and severally agreed to.

So the whole motion of Mr. HOLMES prevailed, as above stated.

REMISSION OF FORFEITURE.

The bill for the relief of Delisle, Dudley, and Van Cleef, providing for the remission of a forfeiture incurred by an accidental importation of six slaves, in the brig Sally, was read a third time; and the yeas and nays on its passage being required by Mr. TRACY, stood—For the bill 85, against the bill 73, as follows:

YEAS—Messrs. Abbot, Alexander, Anderson, Archer of Virginia, Baldwin, Ball, Barbour, Bayly, Brevard, Brown, Brush, Bryan, Burton, Burwell, Butler of New Hampshire, Butler of Louisiana, Cannon, Case, Cobb, Cook, Crafts, Crowell, Culbreth, Culpeper, Cuthbert, Davidson, Edwards of North Carolina, Fisher, Floyd, Ford, Fuller, Fullerton, Garnett,

Gross of New York, Gross of Pennsylvania, Hackley, Hall of New York, Hall of North Carolina, Hardin, Hendricks, Hibshman, Holmes, Hooks, Jones of Virginia, Kent, Kinsey, Kinsley, Linn, Livermore, Macclay, McCoy, McLean of Kentucky, Mallary, Meech, Moseley, Murray, Neale, Nelson of Massachusetts, Newton, Overstreet, Parker of Massachusetts, Parker of Virginia, Phelps, Pindall, Pitcher, Quarles, Rankin, Sampson, Settle, Shaw, Slocumb, Smith of New Jersey, Smith of Maryland, B. Smith of Virginia, Smith of North Carolina, Strother, Swearingen, Terrell, Trimble, Tucker of Virginia, Tyler, Walker, Wallace, Warfield, and Williams of North Carolina.

NAMEs—Messrs. Adams, Allen of Massachusetts, Allen of Tennessee, Baker, Bateman, Beecher, Bloomfield, Boden, Buffum, Campbell, Clagett, Clark, Cocke, Cushman, Darlington, Dewitt, Dickinson, Dowse, Earle, Eddy, Edwards of Conn., Edwards of Pennsylvania, Fay, Folger, Foot, Forrest, Hall of Delaware, Hazard, Hemphill, Herrick, Hill, Hostetter, Kendall, Lathrop, Lincoln, Lowndes, Lyman, McCreary, Marchand, Mason, Meigs, Metcalf, R. Moore, S. Moore, Monell, Morton, Nelson of Virginia, Patterson, Philson, Plumer, Rhea, Rich, Richards, Richmond, Robertson, Rogers, Ross, Russ, Sawyer, Sloan, A. Smyth of Virginia, Southard, Storrs, Strong of Vermont, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Tucker of South Carolina, Van Rensselaer, Wendover, and Wood.

So the bill was passed, and sent to the Senate for concurrence in the amendment, which limits the remission to so much of the forfeitures as accrues to the United States.

THE SPANISH TREATY.

The House having resolved itself into a Committee of the Whole on the state of the Union, and the following resolutions, submitted some days ago by Mr. CLAY, (Speaker,) being under consideration:

1. *Resolved*, That the Constitution of the United States vests in Congress the power to dispose of the territory belonging to them, and that no treaty, purporting to alienate any portion thereof, is valid without the concurrence of Congress.

2. *Resolved*, That the equivalent proposed to be given by Spain, to the United States, in the treaty concluded between them, on the 22d day of February, 1819, for that part of Louisiana lying west of the Sabine, was inadequate; and that it would be inexpedient to make a transfer thereof to any foreign Power, or renew the aforesaid treaty.

Mr. CLAY said, that, whilst he felt very grateful to the House for the prompt and respectful manner in which they had allowed him to enter upon the discussion of the resolutions which he had the honor of submitting to their notice, he must at the same time frankly say, that he thought their character and consideration, in the councils of this country, were concerned in not letting the present session pass off without deliberating upon our affairs with Spain. In coming to the present session of Congress, it had been his anxious wish to be able to concur with the Executive branch of Government in the measures which it might conceive itself called on to recommend on that subject, for two reasons, of which the first, relating personally to himself, he would not trouble the

Committee with further noticing. The other was, that it appeared to him to be always desirable, in respect to the foreign action of this Government, that there should be a perfect coincidence in opinion between its several co-ordinate branches. In time, however, of peace it might be allowable to those who are charged with the public interests to entertain and express their views, although there might be some discordance between them. In a season of war, there should be no division in the public councils; but an united and vigorous exertion to bring the war to an honorable conclusion. For his part, whenever that calamity may befall his country, he would entertain but one wish, and that is, that success might crown our struggle, and the war be gloriously and honorably terminated. He would never refuse to share in the joys incident to the victory of our arms, nor to participate in the griefs of defeat and discomfiture. He concurred entirely in the sentiment once expressed by that illustrious hero, whose recent melancholy fall we all so sincerely deplore, that fortune may attend our country in whatever war it may be involved.

There were two systems of policy, he said, of which our Government had had the choice. The first was, by appealing to the justice and affections of Spain, to employ all those persuasives which could arise out of abstinence from any direct countenance to the cause of South America, and the observance of a strict neutrality. The other was, by appealing to her justice also and to her fears, to prevail upon her to redress the injuries of which we complain—her fears, by a recognition of the independent governments of South America, and leaving her in a state of uncertainty as to the further step we might take in respect to those governments. The unratified treaty was the result of the first system. It could not be positively affirmed what effect the other system would have produced; but he verily believed that, whilst it rendered justice to those governments, and would have better comported with that magnanimous policy which ought to have characterized our own, it would have more successfully tended to an amicable and satisfactory arrangement of our differences with Spain.

The first system has so far failed. At the commencement of the session, the President recommended an enforcement of the provisions of the treaty. After three months deliberation, the Committee of Foreign Affairs, not being able to concur with him, has made us a report recommending the seizure of Florida, in the nature of a reprisal. Now, the President recommends our postponement of the subject until the next session. It had been his (Mr. C.'s) intention, whenever the Committee of Foreign Affairs should engage the House to act upon their bill, to offer, as a substitute for it, the system which he thought it became this country to adopt, of which the occupation of Texas, as our own, would have been a part, and the recognition of the independent governments of South America another. If he did not now bring forward this system, it was because the committee proposed to withdraw their bill, and because he knew too much of the temper of the House and of

APRIL, 1820.

The Spanish Treaty.

H. OF R.

the Executive, to think that it was advisable to bring it forward. He hoped that some suitable opportunity might occur, during the session, for considering the propriety of recognising the independent governments of South America.

Whatever Mr. C. might think of the discretion which was evinced in recommending the postponement of the bill of the Committee of Foreign Relations, he could not think that the reasons assigned by the President for that recommendation were entitled to the weight which he had given them. Mr. C. thought that the House was called upon, by a high sense of duty, seriously to animadvert upon some of those reasons. He believed it was the first example, in the annals of the country, in which a course of policy, respecting one foreign Power, which we must suppose had been deliberately considered, has been recommended to be abandoned, in a domestic communication from one to another co-ordinate branch of the Government, upon the avowed ground of the interposition of other foreign Powers. And what was the nature of this interposition? It was evidenced by a cargo of scraps gathered up from this *Chargé d'Affaires*, and that of loose conversations held with this foreign Minister—and that perhaps mere levee conversations, without a commitment in writing, in a solitary instance, of any of the foreign parties concerned, except only in the case of his Imperial Majesty; and what was the character of his commitment we shall presently see. But, Mr. C. said, he must enter his solemn protest against this and every other species of foreign interference in our matters with Spain. What have they to do with them? Would they not repel, as officious and insulting intrusions, any interference on our part in their concerns with other foreign States? Would his Imperial Majesty have listened with complacency to our remonstrances against the vast acquisitions which he has recently made? He has lately crammed his enormous maw with Finland and with the spoils of Poland, and, whilst the difficult process of digestion is going on, he throws himself upon a couch, and cries out—don't, don't disturb my repose!

He charges his Minister here to plead the cause of peace and concord! The American "Government is too enlightened" (ah! sir how sweet this unction is, which is poured down our backs) to take hasty steps. And his Imperial Majesty's Minister here is required to engage (Mr. C. said he hoped that the original expression was less strong, but he believed that the French word *engage* bore the same meaning) the American Government, &c. Nevertheless, the Emperor does not interpose in this discussion. No! not he. He makes above all "no pretension to exercise an influence in the councils of a foreign Power." Not the slightest. And yet, at the very instant when he is protesting against the imputation of this influence, his interposition is proving effectual! His Imperial Majesty has at least manifested so far, in this particular, his capacity to govern his Empire, by the selection of a sagacious Minister. For if Count Nesselrode had never written another paragraph,

the extract from his despatch to Mr. Poletica, which has been transmitted to this House would demonstrate that he merited the confidence of his master. It was quite refreshing to read such State papers after perusing those (he was sorry to say it; he wished there was a veil broad and thick enough to conceal them forever) which this treaty had produced on the part of our own Government.

Conversations between my Lord Castlereagh and our Minister at London had also been communicated to this House. Nothing from the hand of his Lordship is produced; no! he does not commit himself in that way. The sense in which our Minister understood him, and the purport of certain parts of despatches from the British Government to its Minister at Madrid, which he deigned to read to our Minister, are alone communicated to us. Now we know very well how diplomatists, when it is their pleasure to do so, can wrap themselves up in mystery. No man more than my Lord Castlereagh, who is also an able Minister, possessing much greater talents than are allowed to him generally in this country, can successfully express himself in ambiguous language, when he chooses to employ it. Mr. C. recollected himself once to have witnessed this facility, on the part of his Lordship. The case was this. When Bonaparte made his escape from Elba and invaded France, a great part of Europe believed that it was with the connivance of the British Ministry. The opposition charged them, in Parliament with it, and they were interrogated to know what measures of precaution they had taken against such an event. Lord Castlereagh replied by stating that there was an understanding with a certain naval officer of high rank, commanding in the adjacent seas, that he was to act on certain contingencies. Now, Mr. Chairman, if you can make any thing intelligible out of this reply you will have much more success than the English opposition had.

The allowance of interference by foreign Powers in the affairs of our Government, not pertaining to themselves, is against the counsels of our wisest politicians—those of Washington, Jefferson, and, he would add also, those of the present Chief Magistrate; for, pending this very Spanish negotiation, the offer of the mediation of foreign States was declined, upon the true ground that Europe had her system, and we ours; and that it was not compatible with our policy to entangle ourselves in the labyrinths of hers. But a mediation is far preferable to the species of interference on which it had been his reluctant duty to comment. The mediator is a judge, placed on high, his conscience his guide, the world the spectators, and posterity his judge. His position is one, therefore, of the greatest responsibility. But what responsibility is there attached to this sort of irregular, drawing-room, intriguing interposition? He could see no motive for governing or influencing our policy, in regard to Spain, furnished in any of the communications which respected the disposition of foreign Powers. He regretted, for his part, that they had been at all consulted. There was nothing in the character of the power of Spain; nothing in the beneficial nature of the stipulations of the treaty to us, which

warranted us in seeking the aid of foreign Powers, if in any case whatever that aid was desirable. He was far from saying that, in the foreign action of this Government, it might not be prudent to keep a watchful eye upon the probable conduct of foreign Powers. That might be a material circumstance to be taken into consideration. But he never would avow to our own people—never promulgate to foreign Powers, that their wishes and interference were the controlling cause of our policy. Such promulgation would lead to the most alarming consequences. It was to invite further interposition. It might, in process of time, create in the bosom of our country a Russian faction, a British faction, a French faction. Every nation ought to be jealous of this species of interference, whatever was its form of government. But of all forms of government the united testimony of all history admonishes a Republic to be most guarded against it. From the moment that Philip intermeddled in the affairs of Greece, the liberty of Greece was doomed to inevitable destruction.

Suppose, said Mr. C., we could see the communications which have passed between His Imperial Majesty and the British Government, respectively, and Spain, in regard to the United States; what do you imagine would be their character? Do you suppose that the same language has been held to Spain and to us? Do you not, on the contrary, believe, that sentiments have been expressed to her, consoling to her pride? That we have been represented, perhaps, as an ambitious Republic, seeking to aggrandize ourselves at her expense?

In the other ground taken by the President, the present distressed condition of Spain, for his recommendation of forbearance to act during the present session, Mr. C. was sorry also to say that it did not appear to him to be solid. He could well conceive how the weakness of your aggressor might, when he was withholding from you justice, form a motive for your pressing your equitable demands upon him; but he could not accord in the wisdom of that policy which would wait his recovery of strength, so as to enable him successfully to resist those demands. Nor would it comport with the practice of our own Government heretofore. Did we not, in 1811, when the present monarch of Spain was an ignoble captive, and the people of the Peninsula were contending for the inestimable privilege of self-government, seize and occupy that part of Louisiana which is situated between the Mississippi and the Perdido? What must the people of Spain think of that policy which would not spare them, and which commiserates alone an unworthy prince, who ignominiously surrendered himself to his enemy; a vile despot, of whom I cannot speak in appropriate language without departing from the respect due to this House or to myself? What must the people of South America think of this sympathy for Ferdinand, at a moment when they, as well as the people of the Peninsula themselves, (if we are to believe the late accounts, and God send they may be true,) are struggling for liberty?

Again: When we declared our late just war against Great Britain, did we wait for a moment

when she was free from embarrassment and distress; or did we not rather wisely select a period when there was the greatest probability of giving success to our arms? What was the complaint in England; what the language of faction here? Was it not that we had cruelly proclaimed the war at a time when she was struggling for the liberties of the world? How truly, let the sequel and the voice of impartial history tell.

Whilst he could not, therefore, Mr. C. said, persuade himself that the reasons assigned by the President for postponing the subject of our Spanish affairs until another session were entitled to all the weight which he seemed to think belonged to them, he did not, nevertheless, regret that the particular project recommended by the Committee of Foreign Relations was thus to be disposed of; for it was war, war, attempted to be disguised. And if we went to war, he thought it should have no other limit than indemnity for the past, and security for the future. He had no idea of the wisdom of that measure of hostility which would bind us, whilst the other party is left free.

Before he proceeded to consider the particular propositions which the resolutions contained which he had had the honor of submitting it was material to determine the actual posture of our relations to Spain. He considered it too clear to need discussion, that the treaty was at an end; that it contained, in its present state, no obligation whatever upon us, and no obligation whatever on the part of Spain. It was as if it had never been. We are remitted back to the state of our rights and our demands which existed prior to the conclusion of the treaty, with this only difference, that, instead of being merged in, or weakened by the treaty, they have acquired all the additional force which the intervening time and the faithlessness of Spain can communicate to them. Standing on this position, he should not deem it necessary to interfere with the treaty-making power, if a fixed and persevering purpose had not been indicated by it, to obtain the revival of the treaty. Now, he thought it a bad treaty. The interest of the country, as it appeared to him, forbade its renewal. Being gone, it was perfectly incomprehensible to him why so much solicitude was manifested to restore it. Yet it is clung to with the same sort of frantic affection with which the bereaved mother hugs her dead infant in the vain hope of bringing it back to life.

Has the House of Representatives a right to express its opinion upon the arrangement made in that treaty? The President, by asking Congress to carry it into effect, has given us jurisdiction of the subject, if we had it not before. We derive from that circumstance the right to consider—first, if there be a treaty; secondly, if we ought to carry it into effect; and, thirdly, if there be no treaty, whether it be expedient to assert our rights, independent of the treaty. It will not be contended that we are restricted to that specific mode of redress which the President intimated in his opening Message.

The first resolution which he had presented, asserted that the Constitution vests in the Congress

APRIL, 1820.

The Spanish Treaty.

H. OF R.

of the United States the power to dispose of the territory belonging to them; and that no treaty, purporting to alienate any portion thereof, is valid, without the concurrence of Congress.

The proposition which it asserts was, he thought, sufficiently maintained by barely reading the clause in the Constitution on which it rests: "The Congress shall have power to dispose of, &c., the territory, or other property, belonging to the United States."

It was far from his wish to renew at large a discussion of the treaty-making power. The Constitution of the United States had not defined the precise limits of that power, because, from the nature of it, they could not be prescribed. It appeared to him, however, that no safe American statesman would assign to it a boundless scope. He presumed, for example, that it would not be contended that, in a Government which was itself limited, there was a functionary without limit. The first great bound to the power in question, he apprehended, was that no treaty could constitutionally transcend the very objects and purposes of the Government itself. He thought, also, that, wherever there were specific grants of power to Congress, they limited or controlled, or, he would rather say, modified the exercise of the general grant of the treaty-making power, upon the principle which was familiar to every one. He did not insist that the treaty-making power could not act upon the subjects committed to the charge of Congress; he merely contended that the concurrence of Congress in its action upon those subjects, was necessary. Nor would he insist that the concurrence should precede that action. It would be always most desirable that it should precede it, if convenient, to guard against the commitment of Congress, on the one hand, by the Executive, or, on the other, what might seem to be a violation of the faith of the country, pledged for the ratification of the treaty. But he was perfectly aware that it would be very often highly inconvenient to deliberate, in a body so numerous as Congress, on the nature of those terms on which it might be proper to treat with foreign Powers. In the view of the subject which he had been taking, there was a much higher degree of security to the interests of the country. For, with all his respect for the President and Senate, it could not disparage the wisdom of their councils to add to it that of this House also. But if the concurrence of this House be not necessary in the cases asserted; if there be no restriction upon the power he was considering, it might draw to itself and absorb the whole of the powers of Government. To contract alliances, to stipulate for raising troops to be employed in a common war about to be waged, to grant subsidies, even to introduce foreign troops within the bosom of the country, were not unfrequent instances of the exercise of this power; and if, in all such cases, the honor and faith of the nation were committed, by the exclusive act of the President and Senate, the melancholy duty alone might be left to Congress of recording the ruin of the Republic.

The House of Representatives has uniformly

maintained its right to deliberate upon those treaties in which their co-operation was asked by the Executive. In the first case that occurred in the progress of our Government, that of the treaty, commonly called Mr. Jay's Treaty, after General Washington refused to communicate his instructions to that Minister, the House asserted its right, by fifty odd votes to thirty odd. In the last case that occurred, the Convention of 1815, with Great Britain, although it passed off upon what was called a compromise, this House substantially obtained its object; for, if that Convention operated as a repeal of the laws with which it was incompatible, the act which passed was altogether unnecessary.

Supposing, however, that no treaty which undertakes to dispose of the territory of the United States is valid without the concurrence of Congress, it may be contended that such treaty may constitutionally fix the limits of the territories of the United States, where they are disputed, without the co-operation of Congress. He admitted it, when the fixation of the limits simply was the object, as in the case of the river St. Croix, or the more recent stipulation in the Treaty of Ghent, or in that of the Treaty with Spain in 1795. In all these cases, the treaty-making power merely reduces to certainty that which was before unascertained. It announces the fact; it proclaims in a tangible form the existence of the boundary; it does not make a new boundary; it asserts only where the new boundary was. But it cannot under color of fixing a boundary previously existing, though not in fact marked, undertake to cede away, without the concurrence of Congress, whole provinces. If the subject be one of a mixed character; if it consists partly of cession, and partly of the fixation of a prior limit, he contended that the President must come here for the consent of Congress. But in the Florida Treaty it was not pretended that the object was simply a declaration of where the western limit of Louisiana was; it was, on the contrary, the case of an avowed cession of territory from the United States to Spain. The whole of the correspondence manifested that the respective parties to the negotiation were not engaged so much in an inquiry where the limit of Louisiana was, as that they were exchanging overtures as to where it should be. Hence we find various limits proposed and discussed. At one time the Mississippi is proposed; then the Missouri; then a river discharging itself into the gulf east of the Sabine; a vast desert is proposed to separate the territories of the two Powers; and finally the Sabine, which neither of the parties had ever contended was the ancient limit of Louisiana, is adopted, and the boundary is extended from its source by a line perfectly new and arbitrary; and the treaty itself proclaims its purpose to be a cession from the United States to Spain.

The second resolution comprehended three propositions; the first of which was, that the equivalent granted by Spain to the United States for the province of Texas was inadequate. To determine this it was necessary to estimate the value of what

we gave and of what we received. This involved an inquiry into our claim to Texas. It was not his purpose to enter at large into this subject. He presumed the spectacle would not be presented of questioning, in this branch of the Government, our title to Texas, which had been constantly maintained by the Executive, for more than fifteen years past, under three several Administrations. He was at the same time ready and prepared to make out our title, if any one in this House were fearless enough to controvert it. He would for the present briefly state that the man who is most familiar with the transactions of this Government—who so largely participated in the formation of the Constitution, and in all that has been done under it; who, besides the eminent services that he has rendered his country, principally contributed to the acquisition of Louisiana; and who must be supposed, from his various opportunities, best to know its limits—declared, fifteen years ago, that our title to the Rio del Norte was as well founded as it was to the island of New Orleans.

[Here Mr. C. read an extract from a memoir presented in 1805, by Mr. Monroe and Mr. Pinckney, to Mr. Cevallos, proving that the boundary of Louisiana extended eastward to the Perdido, and westward to the Rio del Norte; in which they say: "The facts and principles which justify this conclusion are so satisfactory to their Government as to convince it that the United States have not a better right to the island of New Orleans, under the cession referred to, than they have to the whole district of territory thus described."]

The title to the Perdido on the one side, and to the Rio del Norte on the other, rested on the same principle—the priority of discovery and occupation by France. Spain had first discovered and made an establishment at Pensacola—France at Dauphin island in the Bay of Mobile. The intermediate space was unoccupied; and the principle observed among European nations having contiguous settlements—being that the unoccupied space between them should be equally divided—was applied to it, and the Perdido thus became the common boundary. So, west of the Mississippi, La Salle, acting under France, in 1682 or 1683, first discovered that river. In 1685, he made an establishment on the Bay of St. Bernard, west of the Colorado, emptying into it. The nearest Spanish settlement was Panuco, and the Rio del Norte, about the midway line, became the common boundary.

All accounts concurred in representing Texas to be extremely valuable. Its superficial extent was three or four times greater than that of Florida. The climate was delicious; the soil fertile; the margins of the rivers abounding in live oak; and the country admitting of easy settlement. It possessed, moreover, if he were not misinformed, one of the finest ports on the Gulf of Mexico. The productions of which it was capable were suited to our wants. The unfortunate captive of St. Helena wished for ships, commerce, and colonies. We have them all, if we do not wantonly throw them away. The colonies of other coun-

tries are separated from them by vast seas, requiring great expense to protect them, and are held subject to a constant risk of their being torn from their grasp. Our colonies, on the contrary, are united to and form a part of our continent; and the same Mississippi, from whose rich deposit the best of them (Louisiana) has been formed, will transport on her bosom the brave and patriotic men from her tributary streams to defend and preserve the next most valuable, the province of Texas.

We wanted Florida, or rather we *shall* want it, or, to speak yet more correctly, we want nobody else to have it. We do not desire it for immediate use. It fills a space in our imagination, and we wish it to complete the arrondissement of our territory. It must certainly come to us. The ripened fruit will not more surely fall. Florida is enclosed in between Alabama and Georgia, and cannot escape. Texas may. Whether we get Florida now or some five or ten years hence, is of no consequence, provided no other Power gets it; and if any other Power should attempt to take it, an existing act of Congress authorizes the President to prevent it. He was not disposed to disparage Florida, but its intrinsic value was incomparably less than that of Texas. Almost its sole value was military. The possession of it would undoubtedly communicate some additional security to Louisiana and to the American commerce in the Gulf of Mexico. But it was not very essential to have it for protection to Georgia and Alabama. There could be no attack upon either of them, by a foreign Power, on the side of Florida. It now covered those States. Annexed to the United States, and we should have to extend our line of defence so as to embrace Florida. Far from being, therefore, a source of immediate profit, it would be the occasion of considerable immediate expense. The acquisition of it was certainly a fair object of our policy; and ought never to be lost sight of. It was even a laudable ambition in any Chief Magistrate to endeavor to illustrate the epoch of his administration by such an acquisition. It was less necessary, however, to fill the measure of the honors of the present Chief Magistrate than that of any other man, in consequence of the large share which he had in obtaining all Louisiana. But, whoever may deserve the renown which may attend the incorporation of Florida into our Confederacy, it is our business, as the representatives of the people, who are to pay the price of it, to take care, as far as we constitutionally can, that too much is not given. He would not give Texas for Florida in a naked exchange. We were bound by the treaty to give not merely Texas, but five millions of dollars also, and the excess beyond that sum of all our claims upon Spain, which have been variously estimated at from fifteen to twenty millions of dollars.

The public is not generally apprized of another large consideration which passed from us to Spain, if an interpretation which he had heard given to the treaty were just, and it was certainly plausible. Subsequent to the transfer, but before the delivery, of Louisiana from Spain to France, the then Gov-

APRIL, 1820.

The Spanish Treaty.

H. OF R.

ernor of New Orleans (he believed his name was Gayoso) made a number of concessions upon the payment of an inconsiderable pecuniary consideration, amounting to between nine hundred thousand and a million of acres of land, similar to those recently made at Madrid to the royal favorites. This land is situated in Feliciana, and between the Mississippi and the Amite, in the present State of Louisiana. It was granted to persons who possessed the very best information of the country, and is no doubt, therefore, the choice land. The United States have never recognised, but have constantly denied the validity of these concessions. It is contended by the parties concerned that they are confirmed by the late treaty. By the second article his Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of *East and West Florida*. And by the eighth article all the grants of land made before the 24th of January, 1818, by his Catholic Majesty, or by his *lawful authorities*, shall be ratified and confirmed, &c. Now, the grants in question, having been made long prior to that day, are supposed to be confirmed. He understood, from a person interested, that Don Onís had assured him it was his intention to confirm them. Whether the American negotiator had the same intention or not, he (Mr. C.) did not know. It will not be pretended that the letter of Mr. Adams, of the 12th of March, 1818, in which he declines to treat any further with respect to any part of the territory included within the limits of the State of Louisiana, can control the operation of the subsequent treaty. That treaty must be interpreted by what is in it, and not by what is out of it. The overtures which passed between the parties respectively, prior to the conclusion of the treaty, can neither restrict nor enlarge its meaning. Moreover, when Mr. Madison occupied, in 1811, the country between the Mississippi and the Perdido, he declared that, in our hands, it should be, as it has been, subject to negotiation.

It results, then, that we have given for Florida, charged and incumbered as it is—

- 1st. Unincumbered Texas;
- 2d. Five millions of dollars;
- 3d. A surrender of all our claims upon Spain, not included in that five millions; and,
- 4th. If the interpretation of the treaty which he had stated were well founded, about a million of acres of the best unseated land in the State of Louisiana, worth perhaps ten millions of dollars.

The first proposition contained in the second resolution was thus, Mr. C. thought, fully sustained. The next was, that it was inexpedient to cede Texas to any foreign Power. Mr. C. said he was opposed to the transfer of any part of the territories of the United States to any foreign Power. They constituted, in his opinion, a sacred inheritance of posterity, which we ought to preserve unimpaired. He wished it was, if it were not a fundamental and inviolable law of the land, that they should be inalienable to any foreign Power. It was quite evident that it was in the order of Providence; that

it was an inevitable result of the principle of population, that the whole of this continent, including Texas, was to be peopled in process of time. The question was, by whose race shall it be peopled? In our hands it will be peopled by freemen, and the sons of freemen, carrying with them our language, our laws, and our liberties; establishing on the prairies of Texas temples dedicated to the simple and devout modes of worship of God incident to our religion, and temples dedicated to that freedom which we adore next to Him. In the hands of others, it may become the habitation of despotism and of slaves, subject to the vile dominion of the inquisition and of superstition. He knew that there were honest and enlightened men who feared that our Confederacy was already too large, and that there was danger of disruption arising out of the want of reciprocal coherence between its several parts. He hoped and believed that the principle of representation, and the formation of States, would preserve us an united people. But if Texas, after being peopled by us, and grappling with us, should, at some distant day, break off, she will carry along with her a noble crew, consisting of our children's children. The difference between those who might be disinclined to its annexation to our Confederacy, and him, was, that their system began where his might, possibly, in some distant future day, terminate; and that theirs began with a foreign race, aliens to every thing that we hold dear, and his ended with a race partaking of all our qualities.

The last proposition which the second resolution affirms, is, that it is inexpedient to renew the treaty. If Spain had promptly ratified it, bad as it is, he would have acquiesced in it. After the protracted negotiation which it terminated; after the irritating and exasperating correspondence which preceded it, he would have taken the treaty as a man who has passed a long and restless night, turning and tossing in his bed, snatches at day an hour's disturbed repose. But she would not ratify it; she would not consent to be bound by it, and she has liberated us from it. Is it wise to renew the negotiation, if it is to be recommenced by announcing to her at once our ultimatum? Shall we not give her the vantage ground? In early life he had sometimes indulged in a species of amusement, which years and experience had determined him to renounce, which, if the Committee would allow him to use it, furnished him with a figure—Shall we enter on the game, with our hand exposed to the adversary, whilst he shuffles the cards to acquire more strength? What has lost us his ratification of the treaty? Incontestably our impotency to procure the ratification, and the hopes which that opportunity inspired, that he could yet obtain more from us. Let us undeceive him. Let us proclaim the acknowledged truth, that the treaty is prejudicial to the interests of this country. Are we not told, by the Secretary of State, in the bold and confident assertion, that Don Onís was authorized to grant us much more, and that Spain dare not deny his instructions? That the line of demarcation is far within his limits? If she would have then granted us more, is her position now

H. OF R.

The Spanish Treaty.

APRIL, 1820.

more favorable to her in the negotiation? In our relations to foreign Powers, it may be sometimes politic to sacrifice a portion of our rights to secure the residue. But is Spain such a Power as that it becomes us to sacrifice those rights? Is she entitled to it by her justice, by her observance of good faith, or by her possible annoyance of us in the event of war? She will seek, as she has sought, procrastination in the negotiation, taking the treaty as the basis. She will dare to offend us, as she has insulted us, by asking the disgraceful stipulation that we shall not recognise the patriots. Let us put aside the treaty; tell her to grant us our rights, to their uttermost extent. And if she still palters, let us assert those rights by whatever measures it is for the interest of our country to adopt.

If the treaty were abandoned; if it were not on the contrary signified, too distinctly, that there was to be a continued and unremitting endeavor to obtain its revival, he would not think it advisable for this House to interpose. But, with all the information in our possession, and holding the opinions which he entertained, he thought it the bounden duty of the House to adopt the resolutions. He had acquitted himself of what he deemed a solemn duty, in bringing up the subject. Others would discharge theirs according to their own sense of them.

Mr. LOWNDES followed Mr. CLAY in the debate. Before entering into a discussion of the merits of the propositions submitted by the Speaker, he said, it appeared to him there was a previous question to be settled, the determination of which might preclude a decision of the main question on its merits. That question was, whether the attempt, on the part of this House, to take the conduct of negotiations with foreign Powers into its hands would not be greatly prejudicial to the interests of the country? It was worthy of inquiry, also, whether it was consistent with prudence, or with wisdom, to engage in the discussion of propositions, the adoption of which would have that effect?

Mr. L. said he was far from considering the two resolutions now before the Committee as of the same character. He was ready to admit that the consideration of the question, how far this House has a right to interpose in respect to treaties—of this theoretically abstract question—was not liable to the same objection as the discussion of the second resolve; but he should consider the consumption of time in its discussion utterly useless and wasteful at this moment.

The gentleman from Kentucky had made a remark, in relation to the late communication of the President to Congress, which, Mr. L. said, appeared to him to have arisen entirely from misapprehension of the nature of that communication. The gentleman considered the Message as founded on the wishes of those foreign Powers whose views on the subject our Government had been apprized of. The best attention which he had been able to bestow on the subject, Mr. L. said, had led to conclusions totally different from this. The papers accompanying the Message were such as ought to have been communicated for the information of

Congress, but were not the only grounds of the Message. Could any man read the Message without seeing that the ground of delay recommended by the President, is the probability, of which evidence is furnished in part by communications from the Ministers of foreign Powers directly and indirectly to our Government, that the object of the United States may be accomplished without a resort to such measures as has been recommended by a Committee of this House? It would be an extravagance of independence to say, not only that foreign nations should not interpose in a controversy between us and a foreign Power, but that they should not even be allowed to furnish us with facts—with that information without which there was no wisdom in the conduct of foreign negotiations. Mr. L. quoted the Message of the President, to show that the only ground on which a delay of coercive measures against Spain was recommended, was, that there was reason to believe that the object of the United States might be attained without resorting to them. Was it at all extraordinary that information on this head should be obtained from foreign Powers? Was it at all extraordinary that Spain should not develop her views to us, who are the adverse party, yet should disclose them to a Power which is not a principal in the controversy, but her ally and a mutual friend? The Executive does not reject information from any quarter, and, least of all, from a quarter where it is most to be relied on. With regard to foreign interference, he should repel, with as much indignation as the gentleman from Kentucky, any attempt to intermeddle in our internal affairs. Yet, every man who would reflect on the condition in which, in the lapse of time, the United States may be placed, would see, that there might be cases in which, with all our repugnance to the interposition of foreign nations, we may be induced, as to collisions with foreign States, to consent to the arbitration of other foreign States, not interested in the controversy. Thus, such a provision had been made in regard to certain cases embraced by the Treaty of Ghent; and, at this very moment, one of the questions arising between us and Great Britain in regard to that treaty had been referred to the arbitration of the Emperor of Russia. If, as in the case provided for by the Treaty of Ghent, the mediation of a foreign Power may be accepted with respect to questions of boundaries, may we not go so far as to say that there may be cases in which we shall pay considerable deference to the opinions of a disinterested foreign Power where territorial acquisitions are concerned?

But, Mr. L. said, a remark of the gentleman from Kentucky, apart from the main question before the committee, seemed to require that he should; before proceeding further, say something of the condition in which the Committee of Foreign Relations, of which he was one, was placed by the Message from the President. Whether it was owing to insensibility or not, Mr. L. said he did not feel that awkwardness which the gentleman from Kentucky seemed to suppose that committee must feel. When the committee recommended the immediate occupation of Florida, and

APRIL, 1820.

The Spanish Treaty.

H. OF R.

when they withdrew that recommendation, they acted on both occasions from the same motive. With one information one course might be correct, whilst with other information a different course would be proper. Though not satisfied that a different course should be pursued from that recommended by the committee, yet, a different course being recommended by circumstances subsequently disclosed, indicating the feeling of the nation and the sentiment of this House, would a discussion of the subject have been deemed by any gentleman advantageous to the interests of the country? Ought the Committee to have urged a decision on their proposition, when no possible advantage could have resulted from it? Must it not, on the contrary, have led to a discussion which would be as injurious as he would show that the present discussion would be, should he not succeed in a motion which he should make, as indiscreet as the gentleman might think it, to prevent the further discussion of it.

A strong objection, even to a discussion of the resolutions of the Speaker, was, that, in relation to both of them, no possible benefit could arise from the discussion of them—nay, that a discussion, in such a manner as to lead to a just decision of them, was impracticable. He asked any gentleman to say whether it was not apparent that the questions involved in them could not now be freely discussed? Under the circumstances, it certainly was; and, said he, a discussion into which we enter manacled, we ought not to enter at all.

With regard to the treaty-making power, Mr. L. said, he was willing to admit, that, in relation to those stipulations which apply to subjects such as are among the enumerated powers of Congress, the sanction of the Representative body to them was necessary. He had, however, no intention to enter into this general argument. If discussed, said he, it would force us into an extent of discussion for which the limits of the session would be too narrow. It would include not only all the discussions of 1795 and 1816, but would open new grounds. The Speaker himself, he presumed, would not be disposed to insist that this House has a power, in relation to a treaty stipulating for a cession of territory, which it has not in relation to a stipulation for the payment of money. If there be a power peculiarly ours, said Mr. L., it is the power over the purse of the nation. If it be contended that neither can territory be ceded, nor money paid, without the consent of this House, there is a question beyond that again; will you maintain that a *claim*, on our part, for money or for territory, however well founded, cannot be yielded? Such cases were peculiarly a subject for treaty stipulations. The very treaty of which we are speaking contains a renunciation of claims. In case of a claim on your part, not recognised by the opposite party, your rights may be renounced, by treaty, for an equivalent, &c. Mr. L. said he had no disposition to enter at large or systematically into the question respecting the treaty-making power; but the observation which he had made connected itself with another.

Gentlemen conversant with the history of the proceedings of Congress, might recollect the ground taken by the gentleman who is now our distinguished Minister in France; that, in addition to those powers purely Executive, which did not come in conflict with the powers of the House of Representatives, Mr. Gallatin admitted, in the great debate of 1795, there was another and a resulting power which did belong to the treaty-making authority. That, for example, to a stipulation that any act should *not* pass, the consent of the House of Representatives was not necessary, because the President and Senate, being branches of Congress, had it in their power to enforce and fulfil the treaty, by withholding their assent from any such act. Apply that argument to the case of a renunciation of a claim for money or for territory. Not being in the possession either of our Government or of a foreign Power, it could be reclaimed or renounced only by negotiation or by war, and to either course the consent of the negotiating power was necessary, &c. In relation to questions of boundary, it was admitted on all hands that the treaty-making authority was competent to their adjustment; its competency must be equally admitted in relation to all unadjusted claims. He submitted then to the Committee, whether there could be any case of an adjustment of a claim to boundary, which did not include a cession of supposed right to territory by one or the other party. You may establish points; you may say there a colony was planted—here a man was shipwrecked; you may assert that these points include the territory to which you have a right; but the lines of your boundary must, after all, be adjusted by negotiation—by reciprocal agreement. Mr. L. said he should be sorry if it should be inferred, from what he had said, that he was of opinion that the ground assumed in the resolution was decidedly erroneous. That it asserted a power much greater than had heretofore been claimed for the House of Representatives, he was confident; but he did not mean to say that he had formed a decided opinion different from that of the gentleman from Kentucky on this point. He had thought of it but for a day or two. It was, however, a question into which he thought the House ought not wantonly and uselessly to enter, especially as it had now no superfluous time on its hands.

[Here, the hour being late, Mr. LOWNDES complied with the wish of a gentleman near him, and gave way for an adjournment. The next day he resumed his remarks.]

Mr. L. did not, he repeated, intend to express any opinion affirmatively or negatively on the proposition contained in the first of the above resolutions. But, he said, it touched a subject so complicated and difficult as to make it necessary, if acted on at all, that it should occupy a much greater portion of time in the discussion than could be spared at this period of the session for the discussion of an abstract proposition. There must be many gentlemen on this floor who recollected the length and arduous nature of the discussion of 1795 on this subject. There were none

who could not see that the resolution of the Speaker embraced a larger object than was embraced by that of 1795. The conclusion must be, that, if decided at all by this House, it would be after a long discussion. But, suppose the resolution went no further than that of 1795—however strong might be the opinion of a majority in favor of the resolution of 1795—it could not be expected but there would be some debate on such a proposition. The smaller the minority, the stronger the reason why their arguments should be heard, and laid before the public. The resolution of 1795 remains on the Journals, and there could be no reason assigned, even did this resolution go no further than that, for reaffirming it. But this resolution goes much further than that of 1795, or than the doctrines advanced by any who took part in that discussion. It was not then, as far as Mr. L. knew, contended by any one, that in relation to territory claimed by us, but not in our possession, a treaty for the adjustment of the title would require the sanction of this House. Would it be prudent, said he, by anticipation, when we know not of any circumstances which make the decision of this question necessary, to undertake to decide it? Is there any member of this Committee who supposes that the effect of a decision in favor of this proposition will be to preclude a discussion and decision of the question hereafter, should the treaty be eventually ratified? Mr. L. presumed not. Indeed, he said, were this proposition to be discussed now for a week, it would only serve to prepare the ground for another discussion hereafter.

Whilst, however, he had no other objection to the discussion of the first resolution, but what arose from a regard to the economy of time, he had much stronger objections to the consideration and decision of the second. He did not understand how any decision, or even free discussion of that question, could take place without endangering the important interests of the country. This he was sure the Speaker would do as unwillingly as any man. But, said he, pending the ratification of the treaty by Spain, are we to enter into the question of our title to the territory as far as the Rio del Norte? Would it be prudent to do so? Certainly not. Yet, if there was an unreserved discussion, that must be the preliminary step. Do you attach any consequence to a resolution of this kind? Do you expect it to have an influence at home, and to be respected abroad; and do you not begin by a laborious and careful examination of your right to the territory in question? Will you come to a formal and solemn announcement that you are fully entitled to all this territory, without deliberately and temperately examining the grounds on which that right rests? If you determine that you will write instructions to our negotiators; that we shall on this floor prescribe what the conditions of a treaty for a settlement of limits shall be, it becomes necessary that the title of the respective parties shall be fully investigated. Our open doors show that this is not the place to discuss what we will ask in a negotiation with a foreign Power, and what we

will be content to receive. It would be, to use the Speaker's figure, to display our open hand to our adversary, his being concealed, as ours ought to be.

It had been doubted, Mr. L. said, whether the other branch of the Legislature has a right to join in instructions given to our diplomatic agents with regard to the terms of a treaty. From convenience, at least, this power, given to the Senate almost by the terms of the Constitution, had not, under the practical construction of that instrument, been latterly exercised by the Senate, but the Executive had been entirely charged with that duty and that responsibility.

Mr. L. enlarged upon the inconvenience of a public discussion here of what, in an amicable negotiation, we mean to insist on, and what we mean to give up. He had no objection to saying, for himself, what he would do on that head. But, he said, if a discussion was to take place on the formal proposition contained in this resolution, unless the discussion was to be utterly unmeaning, it would be necessary to examine as well the validity of titles as the relative value of territory, &c. It was unnecessary for him to assign reasons why an inquiry into the validity of title would be injurious. They were sufficiently obvious. With regard to the value of the territory in question, if the members were fully informed on the subject, it would yet be needless to discuss it. But, he said, he believed the requisite information was not at hand. For his part, although he had paid considerable attention to this subject, and gathered information from all sources accessible to him, he had never heard, respecting the value of the province of Texas, any estimate of its seaport in any degree corresponding with that given by the honorable gentleman from Kentucky.

If the House was called on to vote on this resolution, it was above all desirable that they should understand it. Mr. L. said he thought he understood it. Its meaning clearly was, that it was inexpedient to cede any part of the territory which we have west of the Sabine. Suppose our claim to that territory to be undoubted, said he, are we prepared to say, however worthless it may be, however great the equivalent for it, that we will give up no part of it for any territory, however essential or important to us? Now, for myself, I am not ready to say, that I am not willing to give up any thing west of the Sabine for any consideration whatever. If there be any territory of doubtful value, I am not prepared to say that there is in the rest of the world nothing of so much value that I might not be induced to exchange the one for the other.

Mr. L. therefore was opposed to engaging in this discussion, and because he considered the second resolve to embrace an object adverse to the interests of the country, as well as contrary to the spirit of the Constitution. That this House, according to the view of the Speaker, might have some power in regard to treaties for the cession or acquisition of territory, he did not now mean to deny. But, whatever that power was, he thought that a just view of the principles of the Constitution would necessarily require that it should be a re-

APRIL, 1820.

Ohio Canal.

H. OF R.

straining, and not a directing power. If, in progress of time, this House should adopt the practice of giving instruction to our Ministers, or, what is the same thing, of determining beforehand, as now proposed, what should be yielded and what retained, the effect would be to divide the responsibility of the different departments of the Government, and destroy altogether that of the treaty-making power. That there was in this House a corrective power, to restrain the treaty-making power in a course not believed to be beneficial to the interests of the country, he was ready to admit; but, whilst he admitted this, it was a power which, he said, ought to be exercised with great discretion. Otherwise, instead of restraining the Executive power, the effect would be, to increase its power by diminishing its responsibility. As a common rule of action, therefore, he was in favor of leaving the powers of the Government where the Constitution had placed them.

If any case could arise in which the Executive would pursue a policy so repugnant to the true interests of the country as to justify the interposition of this House, Mr. L. said, it would be one the very reverse of that now under consideration. It would hardly ever happen that an Executive would be averse to enlarging the boundaries of the nation, or be accused of a desire to restrict them to too narrow a limit. In the Executive branch of every Government, the disposition is naturally favorable to the extension of territory and the enlargement of its power. He thought that we may safely intrust to the Executive of this Government the charge of supporting the rights of the country, and extending its territorial limits as far as justice and sound policy will allow.

Mr. L. made some remarks to show that no advantage could result from the adoption of this resolve. If, indeed, it was proposed to employ force to support it, there might be some ground. Otherwise, he contended, to pass them would not only be useless, but injurious.

But, Mr. L. said, he would refrain from entering into the general questions of policy growing out of this resolution; but, in relation to the province of Texas, he would say that, if Florida were not necessary to us, and therefore a desirable acquisition, in exchange for any claim we may be supposed to have to Texas, he should not think it important to occupy Texas at this time. If we have a just claim to that province, the treaty being rejected, it will be at any time in our power to enforce it. Lying between us and Mexico, its destiny must always essentially depend on, as it is connected with, American interests. Whatever claim we have to Texas, it is a claim which we are able to support and enforce. This is an opinion, said Mr. L., which the Speaker applies to Florida and I to Texas.

Mr. L. asked the members of the Committee to cast their eye a little forward, and see, if the connexion between Mexico and Spain should be dissolved, what motive could Spain have for desiring to retain the possession of the province of Texas. What has been her object in ceding Florida? To get in exchange a boundary, well-defined, be-

tween Mexico and the United States. To secure herself against (what she believes, and what Mr. L. feared all the Powers of Europe believed) our ambition, she was willing to cede Florida. But, suppose the connexion between Spain and Mexico to be dissolved; suppose all hope, on her part, of her resuming the control of that country was destroyed; what motive could she have for ceding Florida? Mr. L. said he had not adverted to this contingency with a single view to her relinquishment of Florida to us, but with a view also to the preponderance which a reduction to a single island of the colonial possessions of Spain would give to another Power; when Spain would no longer be mistress of her own actions, but the agent to serve the interests of another Power. And, if we relinquished now the acquisition of Florida in order to gain Texas, that, in the contingency just adverted to, when Florida was overflowed by Royalists, and the value of Cuba increased, what possible motive could Spain have, under such circumstances, for the cession of Florida to us? We must obtain it then by force, or not at all. But it would always be as easy a matter as it may be now to obtain Florida by force. It would be more easy, he said, to obtain Canada by force, than it would be to obtain Florida by force, if the Power to whom it belonged was determined to hold it. It would be an error fatal to the best interests of the country, to refuse to receive Florida into our possession whilst we can. Mr. L. did not say that it was so important an acquisition that it ought not for any consideration to be postponed for a day; but, that a combination of circumstances make that practical now which may not be a year or two hence, he thought was very clear.

Mr. L. concluded by saying, that he had had no intention of entering into the general discussion of these resolves. He meant only to show that they could not be discussed without giving so much time to the subject as could not be afforded at this time; and that the discussion would moreover be prejudicial to the public interests. Under these circumstances, he thought it his duty to move to lay the resolutions on the table.

—
TUESDAY, April 4.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to which was yesterday re-committed with instructions the bill from the Senate, entitled "An act for the relief of certain persons who have paid duties on goods imported into Castine," reported the said bill with amendments; which were read, and, together with the bill, ordered to lie on the table.

OHIO CANAL.

Mr. ANDERSON said, he knew, from the established forms of the House, requiring that every proposition to appropriate money should be discussed in a Committee of the Whole, that he could not now ask a vote on the resolution which he was about to offer; a resolution proposing an appropriation of money in aid of a canal to be cut around the falls of the river Ohio, at Louisville.

H. OF R.

Settlement of Private Claims.

APRIL, 1820.

To those who were at all acquainted with the Western country, it was known that the Ohio was the great, and, indeed, the only channel which gives an outlet to the vast productions of one of the most extensive, and certainly the most fertile regions of our country. The extent of the country which depended on the floods of this river for the passage of its produce to the ocean, was equal to one-third of the United States. Illinois, Indiana, and Ohio, lie on the northern, and Kentucky and Virginia on the southern side, while Pennsylvania and New York embrace its head. The productions of this country are all of the bulky kind; precisely of that character which gives to the open navigation of the river its greatest possible importance. Gentlemen who reside on the eastern side of the mountains, where the utmost length of any of the rivers does not exceed three or four hundred miles, cannot at first fully appreciate the importance which we attach to this river, which gives to us the only communication we can have to the markets of the world.

In contrasting the advantages of the proposed canal with any of those which have been contemplated in the Atlantic States, it may well be said that, if a canal is to receive its character from the extent of country or the amount of population which is benefitted by its construction, that there is none nor ever can be one in the United States, which can be compared to this in national usefulness. A single fact will call to the attention of the House the vast region whose productions pass to their market on the bosom of this water. From the western part of New York, plank, shingles, and scantling of every kind, come down not only to Louisville every year, more than one thousand miles by the meanders of the river, but go to New Orleans one thousand miles farther in great quantities.

Mr. A. said that he thought the present occasion peculiarly favorable to the consideration of this subject. We were at peace, and if the indications which are given are to be realized, we are likely to be in peace. But the fact to which he meant to refer was, that Kentucky, one of the States interested, had appropriated \$100,000 to the object. Although, considering this canal as a great national improvement, he could well have wished that Congress should have taken to itself the honor of originating the appropriation, still, as there had existed Constitutional difficulties on the subject, he was happy now to bring his proposition within the letter of a resolution which has received the assent of this House. The House of Representatives has decided that Congress could make an appropriation "in aid of the improvement of water courses." Commissioners, lately appointed by four of the States bordering on the Ohio, have examined the river, and have unanimously concurred in a report, declaring that the canal should be cut on the southern side.

Mr. A. then submitted for consideration the following resolution:

Resolved, That a sum not exceeding one hundred thousand dollars be appropriated for the purchase of stock in the Kentucky Ohio Canal Company, engaged

for the purpose of cutting a canal around the falls of the Ohio river at Louisville.

The resolution was read, and a motion was made that it be committed to the Committee of the Whole to which is committed the bill providing for the preservation and repair of the Cumberland road.

Mr. HENDRICKS wished to propose an amendment, the object of which was, to include in the resolution a provision (similar to that now embraced in it) for aiding the Jeffersonville Ohio Canal Company, on the Indiana side of the river.

But the motion was declared to be at that time not in order.

Mr. GROSS, of New York, moved that it lie on the table; which was rejected.

And the question was then taken on the motion to commit, as above stated, and passed in the affirmative.

SETTLEMENT OF PRIVATE CLAIMS.

On motion of Mr. FULLER, the Committee on the Judiciary were instructed to inquire into the expediency of providing by law for the investigation of the claims of individuals upon the United States by petition of right, or other proper process, in the district or circuit courts, or in some tribunal to be established for that purpose, so as to insure a speedy decision of such claims upon the principles of justice and equity.

Mr. FULLER said that he deemed it his duty to explain to the House the objects he had in view, in offering this resolution, not only because they might not be sufficiently obvious on the face of it, but because he had understood that considerable misrepresentation had occurred respecting the purposes of a resolution introduced by him in the early part of the session, [in relation to the Navy Board.]

The accumulation of private claims had become, he said, a serious obstacle to the proper consideration of some of the most important national measures. It is not contemplated, said Mr. F., to comprehend among the claims to be transferred to the courts any mere applications to the bounty or discretion of Congress; but only those, where the United States on the principles of law or equity are properly a party; and where an individual in like circumstances might be made a defendant. This line of distinction would include at least two-thirds of the cases, which involve intricate principles, and require laborious and difficult investigation. Most of these are at present referred to the Committee of Claims; and it is but justice to say, sir, that they are ably and patiently examined by the Chairman and other members of that committee, as it is now organized. But it is a most interesting circumstance, and would be decisive in my mind, if no other reason existed against legislative judgments on subjects capable of judicial decision, that all trials here must necessarily be *ex parte*. The claimant appears, produces vouchers, documents, depositions, and sometimes witnesses. The whole mass of testimony has been previously digested and marshalled, and whatever interferes with his pretensions kept carefully out of sight. It would require the industry and expense of an interested adversary to

APRIL, 1820.

Settlement of Private Claims.

H. OF R.

countervail such plausible evidence. The great vigilance and sagacity of a Congressional committee may sometimes detect the weakness or fraud of the claim; but in a multitude of instances the veil is impenetrable. The very fact, that the proceedings are *ex parte*, creates an indiscriminate suspicion in almost all cases, and must frequently lead Congress to a rejection of the most equitable claims; while others more specious, but which could not stand the test of cross examination, by the rules of evidence in our courts, are successful.

Another consequence of a judicial decision would be, that it would be final; whereas the same claimants apply to Congress anew after rejection, and the same tedious process of hearing and deciding in committee, and in the House, must be repeated indefinitely. Our list of petitions and reports will show instances of such applications incessantly renewed from five to ten and even twenty years. The case of Amey Dardin's horse was of still more venerable age; Beaumarchais' claim occupied several days of the last Congress, and we have the claim of Delafield, and the heirs of Sands, with long reports, now on our files. Of the two last I would only say they were discussed at great length and with much ability in the last Congress, and must each again occupy much time. Unless they are granted, there is no reason to believe that the parties will acquiesce in our decision, and at future sessions we must travel over the same ground. Not less than thirty days in every session are devoted to questions of this description, which might be much better decided in a court. The expense of thirty days' session of Congress, including contingencies, cannot be less than sixty thousand dollars; a sum which would pay the amount of one-half the claims. And this great waste of time and money, so far from establishing any principle for future Legislatures, has not even the small advantage of precluding a new investigation of the same individual case! The party will never believe that his case is rightly decided till his petition is granted, and we have no rule, and have probably no Constitutional right to establish one, which may close the avenue to reiterated and groundless applications. Nor ought we to lose sight of the enormous inconvenience and expense of the claimants themselves. These are obliged to attend personally, from the presentation of their petitions, till a full examination and report can be made by the committees to whom they are referred; and to answer new questions, obviate doubts and suspicions, and to urge a determination by Congress, they are in fact obliged to attend through the session. Even this tedious and expensive solicitation does not insure a hearing at the first, and frequently not even at the second session. Perhaps, in some of the last days, when business is crowding our table, some of these claims, accompanied with bills and intricate reports, on which they are predicated, are announced as the order of the day. The papers are read by the Clerk; an explanation is made by the chairman, who reported the bill; a doubt is suggested by some member, and, perhaps, after discussion, new doubts and surmises arise at every step, and the bill is lost or permitted to sleep on

the table. Other bills, indeed, have a more fortunate issue; they pass without any question being made, and, consequently, on the mere faith of the committees, without being at all understood by the members generally. Something like this is the invariable course of such a system, and the experience of the honorable members of this House must confirm the remark.

I have often considered the tendency of this state of things to impair the respect and confidence of the nation, towards the popular branch of the Federal Legislature, as being one, and not the least, of its unfortunate consequences. A considerable number of persons, who are seeking redress at our hands, are among the spectators and auditors of our proceedings. However important the subject under consideration, involving, not unfrequently, the peace and tranquillity of millions, these individuals are impatient and querulous at all debate and deliberation, which must tend to protract or postpone a decision of their particular applications. To their view all such obstacles to their wishes are useless delay or empty declamation. They have ample leisure on their hands for correspondence, and the newspapers at home teem with injurious reflections on the long speeches and idle debates of Congress. Though such remarks are not entirely groundless, they are very unmerited, when of general application, and cannot fail to be pernicious in their effect upon public opinion.

My first attention to this subject, Mr. Speaker, had led me to suppose that the object contemplated by this resolution would be best effected by establishing a tribunal with powers similar to the Court of Exchequer in England. Upon further reflection, however, I have no doubt that the existing courts may take jurisdiction of all the subjects suitable for their cognizance, without materially increasing the mass of their business. The whole number of causes presented annually to Congress, which would be comprehended in the class proposed, would not exceed one hundred. More than twenty district or circuit courts would make the distribution of this business trifling for each. The District Attorney should represent the United States; and the provisions of law may be such as to require all issues in fact to be tried by a jury, as the only safe and satisfactory mode of establishing disputed facts. At the same time the courts may be authorized to adopt the principles of equity where such principles could be recognised between ordinary parties.

I am not aware, sir, said Mr. F., that any reasonable objection to the proposed system exists, where the United States are defendants, which does not equally apply when they are plaintiffs; and, in the latter case, they are obliged, like individuals, to seek their remedy in the courts of justice. The dignity of sovereignty is no more disparaged in one case than in the other; and surely the sovereignty of the National Government can never appear more venerable and exalted in the eyes of the people, than when it dispenses with the invidious pageantry of empty form, to facilitate the speedy and effectual distribution of justice through the community.

THE SPANISH TREATY.

The House then again resolved itself into a Committee of the Whole on the resolutions submitted by Mr. CLAY, respecting the treaty-making power, and particularly respecting the Treaty with Spain, yet unratified by Spain.

Mr. LOWNDES concluded his remarks, going to show why the resolutions should not be acted on. His remarks are given entire in preceding pages.

When Mr. LOWNDES finished, he moved to lay the first resolve on the table. After some conversation, in which Mr. CLAY suggested that the best course would be for the Committee to report the resolves to the House, and for the gentleman then to move to postpone the resolves, or lay them on the table, on which motion the yeas and nays could be recorded, Mr. L. consented to waive his motion for the present.

Mr. ARCHER, of Virginia, said that, the withdrawal of the motion of the gentleman from South Carolina (Mr. LOWNDES) having removed the obstacle to discussion of the resolutions under consideration, he would proceed to submit his views of them to the Committee. The attention of this body, Mr. A. observed, was a species of joint stock concern, of which all its members were equally participant in interest. He now appeared, for the first time, to assert a claim to any share, and he did not doubt that the claim would meet with due allowance from the courtesy of the Committee, unless indeed the fund on which it was addressed, had already been exhausted by the drafts which had been made upon it. One recommendation this claim would have, that it would not be an immoderate one. And Mr. A. believed that the general remark in reference to demands upon the public, that moderation in their amount formed no unessential condition of their success, had, in no instance, stronger application than in relation to demands addressed to the patience of this assembly.

Mr. A. adverted to the place which this subject of relations with Spain had recently occupied in the public attention, and the universal expectation that some measure expressive of the sense of Congress would, before this period of the session, have been adopted. The measure which, after long delay, the gentleman from South Carolina (Mr. LOWNDES) had reported from the Committee of Foreign Relations, had been recently wrested from the consideration of the House, in consequence of the suggestion of a foreign potentate, who, Mr. A. believed, was pretty much in the habit of exerting an operative influence in the affairs of other States, with the same disclaimer, it was probable, in every instance, of an intention to do so, which had been employed in relation to ourselves. If the motion which the gentleman from South Carolina had intimated an intention to renew, should prevail, a fate similar to that which had attended his own proposition would be reserved for the propositions now under consideration. Mr. A. confessed that he felt surprise at the intimation of resort to such a course, both on account of the importance of the subject and the character of the proceeding itself—the subject involving, as it did, the policy

of the alienation of perhaps the most valuable portion, in proportion to its extent, of the territory of the Union, was surely well entitled to consideration from its magnitude. In this respect it was to be regarded as second only to the question which had been connected with the discussion of the Missouri bill, to which indeed it bore a strong character of affinity. That question related to the propriety of the transfer of the common territorial property of the Union, to the exclusive benefit of the population of one portion of it. The question now presented involved a consideration of the policy (which it was the purpose of the resolutions to counteract) of the transfer of the most valuable portion of this common property to a foreign Power. If a question involving a consideration of great, momentous character, had no claim to the maturest deliberation of the House, Mr. A. was unaware of any which could be regarded as invested with such a claim. The effect, too, of the success of the motion of the gentleman from South Carolina ought not to escape observation. It would be to preclude all effective expression of the public sentiment in relation to the policy of the ratification of the Spanish treaty. The case had no resemblance to that of an ordinary postponement of a subject, the consideration of which might, at a succeeding session of Congress, be resumed. Every person knew that, before the ensuing session of Congress, the treaty would be ratified. The Government of Spain could have no other design in sending the Minister who was known to have been despatched here. And the determination which would operate with our own Government to accept the ratification (unless this determination should be arrested by the expression of public sentiment in some mode) could not be a subject of question. The prevalence of the motion to lay the resolutions on the table would then be decisive in relation to the important interest conceived to be involved in their adoption. By the policy of avoiding conflict, the fruits of complete victory would be achieved.

The Speaker had treated the questions presented by the resolutions as affording scope for expatiation to a considerable extent in the general field of Spanish relations. This example, alluring as the subject was from the variety and interest of the topics it involved, Mr. A. said, that, not having the same claims with the Speaker, on the attention of the Committee, he should forbear to follow, and confine himself strictly to the questions arising on the resolutions. These were of sufficient dignity and extent, indeed, to merit a distinct consideration. The question presented by the first resolution was that which had heretofore given occasion to considerable discussion, relative to the character and extent of the treaty-making power in our Government. To the President and Senate was given the power "to make treaties." To Congress were given various powers, among others, that "to dispose of the territory of the United States." And the question was, whether the general power to make treaties, confided to the President and Senate, took place of the particular grant of powers to Congress, so as to oper-

APRIL, 1820.

The Spanish Treaty.

H. OF R.

ate conclusively on the subjects of this particular grant, without any necessity for the concurrence and assent of Congress.

In contemplating this question, the attention could not fail, Mr. A. said, to be attracted to the extravagance of the pretensions of this treaty-making power. In point of extent, the power claimed to cover all the objects which fall within the scope of international stipulation, that is to say, all the objects of national interest, which were not of essential municipal character. This was the claim in point of extent of jurisdiction. In point of force of authority, the power claimed the exertion not only of a superseding, but a mandatory influence, over the legislative department, the direct Representatives of the national authority, in relation to all subjects of its exercise, whether comprehended or not, within the delegation of jurisdiction to that department of the Government. The claim was not only to exclude Congress from all participation of control over subjects specifically submitted to its control by the Constitution, but to bind it to an undeliberating ministerial execution of the stipulations of the President and Senate, in relation to these same subjects, wherever they might require the intervention of legislative details, and a resort to municipal authority, for execution. The exertion of the power of the President and Senate was said, by committing the public faith for its stipulations, to bind the other departments of the Government to an obligation of co-operation in the objects of those stipulations. Such was the claim of this treaty-making power in point of authority. The first remark, Mr. A. said, which arose upon this statement of the character of the power, related to its effect, where the co-operation of legislative and executive authorities were admitted to be required, to confound the appropriate functions of these authorities. To the President and Senate were assigned the exclusive faculty of exercising deliberation; and on Congress was imposed the unqualified duty of conforming to and effectuating, without any exercise of discretion, the results of that deliberation.

Such an assignation of functions would present a case of political anomaly which was not predicable of the character of the Constitution. The entire exclusion of Congress from authority over the subjects assigned to the jurisdiction of the treaty-making power, would involve no political inconsistency. This was designed in relation to all but a particular class of subjects. But, if the operation of the legislative power were admitted at all, it could only be admitted in its proper character of a power involving essentially the exercise of discretion. The recognition, therefore, of the necessity for the co-operation of the authority of Congress in the execution of treaty stipulations, was, in relation to all the subjects to which it extended, a recognition of the legislative, as a part of, and a check upon, the treaty-making power.

Mr. A. had been adverting to a statement of the pretensions of this treaty-making power, as furnishing evidence sufficient, to his mind, to con-

demn them. If other evidence were wanted, it would be found in the discrepancy which the power in the extension claimed for it, presented to the character of the general grant of power contained in the Constitution, and of the more important particular powers which made up the composition of that grant. It was to be expected of every political system, and more especially of a system sprung from men so illustrious for wisdom as the framers of our federal form of polity, that it would be found presenting a general consistency of structure and elements. But the Constitution was admitted to convey but a limited grant of power. All its more important component powers, the power over the purse, over the sword, the power of punishment, were limited by express restrictive or qualifying provisions. The admission of the treaty-making power, therefore, in the absolute, unrestricted character it assumed to wear, would be a violation of the whole consistency of the Constitution.

Mr. A. said that a person observing, with any degree of attention, the progress of our Government, could not fail to be struck with the conflict between many of the principles adopted in the construction of the Constitution, and its true character and intentment. The framers of this instrument had expended the resources of an incomparable wisdom, in devising limitations on the powers which it conveyed, and in the contrivance of adequate safeguards against the exercise of other powers. In the illusion of a generous confidence, they had no doubt conceived that these safeguards would be found sufficient. But, in the current of the administration of a constitutional government, there was generated a reptile destructive or dangerous to the dams and mounds which were instituted to restrain it. The name of this reptile was *construction*. Such was its fecundity, that it was impossible to extinguish the race. Such was its subtlety and activity of nature, that it was difficult to counteract its operations. This reptile had been at work in the mounds of our Constitution, nor was it a little to be feared that the breaches had already been effected which were destined, in future time, to give a general admission to discretionary power.

It might possibly be objected to what had been observed, that the power confided to the President and Senate, was a power to make or conclude treaties, and that the construction contended for, would convert their faculty in this respect into a mere function of initiating treaties. But the distinction was, that the power which, in relation to the general subject of treaty stipulation was exclusive in the President and Senate, in relation to the particular class of subjects under discussion—those confided to the control of Congress—was a concurrent power. In the clause of the Constitution, indeed, creating the power to make treaties, there was no express designation of limits to that power. But, as exclusive powers were no less effectually defined by the continuous relation of their respective spheres of operation, than by an express designation of limits; so concurrent powers were indicated in as satisfactory a manner by separate

grants of the same subjects of jurisdiction to several powers, as they could be by a grant purporting in its terms to be a joint one. It was to be recollected, too, that no consideration affecting either the efficacy of the treaty-making power within its appropriate sphere, or its relation to the public convenience, required that it should be exclusive over all the subjects of its operation. In the denial of any particular subject or class of subjects to its exclusive jurisdiction, the efficacy of the power would suffer no impairment, in relation to others which were conceded. And, as respected public convenience, this consideration, so far from requiring any indefinite extension or character of the power, demanded, on the contrary, that its disposing control should be guarded in relation to subjects of public interest of more than ordinary delicacy or magnitude, by the check of the necessary co-operation of some department of concurrent jurisdiction. Nor, admitting this observation to be just, was there any subject of public interest characterized by a more indisputable title to the peculiar safeguard in question, than that which related to the disposal of the territorial property of the nation.

The power of the President and Senate to alienate territory, might, perhaps, be inferred as a consequence of their power to acquire it. Mr. A. objected to the consequence as illogical, and protested against the mode of construing the powers of the Government by which it must be derived. An incidental power would have to be derived from an incidental power; and this first incident, the source of others, was itself supposed to be derived in a mode still more unauthorized, not from any specific power, but as a result of the general collective powers and sovereign character of the Government. In such a mode of derivation of power, it was obvious that the efficacy of specification in the grant of it, would be destroyed, and a political constitution, as respected any purpose of limitation on the exercise of power, be converted to a name. It was inevitable, indeed, that every political constitution should admit the exercise of implied and incidental powers, as a result of the compendious simplicity of an instrument of this character. But the danger of abuse and injury from this source was guarded, if not obviated, by a mode of construction (the only one which did not outrage a constitution of enumerated powers) which required that the power made the source, as well as that which was made the subject of derivation, should be specific; and that the relation between them should be essential and immediate. Principles the reverse of these appeared, however, to be obtaining an ascendancy. The operation of the mischief was to be seen, indeed, at this time, only in its commencement. But the end of this thing, Mr. A. said, was death. The malady might now present only an eruptive appearance on the surface, but it would be found to be progressive to the heart of the Constitution; would communicate eventually to the system, the unnatural activity of despotism; and of unnatural action, if not arrested, whether in bodies political or physical, there was but one result, and that result was dissolution.

Mr. A. could not abstain from remarking (though the remark had no immediate relevancy to the question) on the unlimited character of the power of legislation, which was assumed in our Government, in relation to the national territories. Authority was arrogated to legislate on this subject at discretion, and an instance of the fullest indulgence of it had occurred at the present session of Congress, (in the measure for the interdiction of slavery in a portion of the Territories.) Take this power of discretionary regulation, in connexion with the acknowledged power to refuse admission of a Territory into the Union, and what was the result? A power was arrogated to regulate discretionally, and a power conceded to retain the Territories at pleasure in subjection to the authority invested with this power of discretionary regulation. Let the extent and susceptibility of importance of the Territories be considered, and what was the spectacle which, under the practical operation of the doctrine asserted, our Government might come to present? The spectacle of an authority strictly limited within its appropriate sphere of operation, exerting unlimited powers in a coextensive collateral sphere of operation. It would be a condition like that of the Roman Republic in an advanced stage of its progress, in which, characterized by the forms of a limited Government at home, it wielded without control the uncounted resources and power of the provinces. To the issue of this condition of things in that Republic it was not necessary to advert, nor to pursue the train of reflection which it was calculated to suggest.

Reverting to the question, Mr. A. denied that a power on the part of the President and Senate to dispose of territory, was to be regarded as a consequence of the power to acquire it. The separable characters of these powers resulted from the principle which determined the general propriety and motives of all delegation or reservation of power, namely, the beneficial or harmless character of its exercise. The exertion of a power to acquire territory could scarcely be otherwise than beneficial in its tendency, and the power might therefore well be admitted. The exercise of the power to alienate could rarely be attended with a beneficial, and was liable to be attended with a very detrimental operation. This power might therefore well be denied.

The case was like that of infancy at law, in which, though a competency to be benefitted by acts of acquisition was properly admitted, the capacity was denied to be bound to acts of alienation. A power to alienate was, indeed, in no case, in relation to subjects of private or public interest, any necessary correlative of a power to acquire. Whether, then, future acquisitions of territory were or were not contemplated, and their disposal provided for by the Constitution, the conclusion was still the same, that the power of disposal, either to foreign Governments or to citizens, so far as it existed at all, could belong only to Congress; and this in reference both to the letter of the Constitution and to the policy directing the delegation of power in free States. If the power were to be considered as a necessary resulting power, arising

APRIL, 1820.

The Spanish Treaty.

H. OF R.

out of circumstances not foreseen, it could only result to the Legislature, the general representatives of the nation. A subject of interest accruing subsequently to a grant, if it can be made to pass at all by the grant, must pass to the grantee of the general estate, and not to the grantee of any particular portion of it.

The powers appertaining to the treaty-making department, and those granted to Congress over particular classes of subjects, presenting the appearance of conflict, the object of a just constitution would be to reconcile them by allowing to both, if possible, a due operation. But this object could only be attained by the mode which had been suggested, of allowing them a concurrent operation over the subjects which present the apparent occasion of conflict. This construction was in consistency with all received rules in relation to questions of this sort. It was an established principle, which had been adverted to, (by the Speaker,) that in cases of the conflict of particular with general expressions, the general must give way to the particular expression. And why? Because rules of construction being nothing more than contrivances for the ascertainment of intention, what was equivocal in a general, became explicit in a particular expression. The construction stated derived corroboration in the present instance of its application, from a consideration of the momentous character of the subjects of power which it operated to detach from the executive, to confide to the concurrent treaty-making jurisdiction; and from a consideration of the affinity which it tended to stamp on the treaty-making power, to the general policy and character of the Constitution, and to the peculiar character of the more important specific powers which it comprised.

The construction relied on was confirmed by other principles of interpretation. One of these, the offspring of incontrovertible reason, required that the most mitigated sense should be given to expressions obscure or doubtful in their character. "*In obscuris quod minimum est querimus.*" The application of this maxim was particularly strong to grants of power, in relation to which the smallest amount of concession might always be presumed. And it applied with still an augmented force to a grant of power such as that contained in the Constitution, which was admitted on all hands to be of the strictest and most limited description. But, this being the fact, the whole doubt as well as danger in the case under review, proceeded from the construction which assigned the largest extension to the power of the President and Senate, and were obviated by that which admitted the qualification of their power by the specific grants of power made to Congress by the Constitution.

It would not be contended by the most extravagant advocates of the treaty-making power, that there existed no limits to its extension. It would not be contended that the power extended to the transfer of a State, or of an essential part of sovereignty, for example. The question which arose upon this power related, then, not to the fact, but

to the point of its limitation. What was the point assigned? The subsistence of other powers by the explicit expression of the Constitution. What was the degree of limitation contended for? Was it the entire exclusion of the jurisdiction of the power from the subjects of these particular powers? No. The degree of limitation was the confinement of the power (left in other respects unrestricted) to a concurrent jurisdiction in relation to this particular class of subjects. The limitation assigned was precise, both as respected its point of occurrence and degree. In its tendency it was beneficial; and it arose upon the letter, as it was sustained by the true intentment, of the Constitution. Construction affirming a limit of this character upon power, could with no color of propriety be rejected from operation.

There was one consideration upon the subject of this controversy, in relation to the extent of the treaty-making power, which appeared to Mr. A. to be conclusive. It was this, that the exclusive control claimed for the power, was not pretended to extend to all the subjects submitted to Congress by the Constitution. There were several which this exclusive control was admitted not to cover. The powers to borrow money; to make war; to raise armies; to admit new States, were examples. But where was the ground of distinction between these subjects and those over which an exclusive, superseding control was claimed? It was not to be found in the Constitution. There these several classes of subjects were placed on the same exact footing. The powers conveyed to Congress were all conveyed in the same terms. The distinction was not to be found in any peculiar importance of the abdicated subjects. All were important. Was the distinction to be found in the supposed external relation of the class of arrogated subjects, rendering them in a peculiar degree adapted to become the objects of treaty stipulation? These subjects were not distinguished by this character in any greater degree than several of the abdicated subjects; of which the powers of making war and raising armies were instances. The danger, too, with which the argument derived from this principle of construction was fraught, ought not to escape observation. Let the principle be admitted, and it would be only necessary to give to exercises of power the form of treaty stipulation, and any power might be exercised, and any object attained, by the Executive department, however remote from the proper sphere of its control. Finally, if the distinction between the jurisdiction arrogated, and that renounced, by the treaty-making power, were made to rest on the peculiar character of the treaty stipulations, as being susceptible of execution, independently of legislative aid, or as requiring that aid for their execution, the answer was equally obvious with those which had been stated to other supposed principles of distinction. It was this, that there were various supposeable cases of stipulation having no dependence on legislative aid for execution, which yet the consent of all men would reject from the exclusive control of the treaty-making power. One example, suggested by re-

H. OF R.

The Spanish Treaty.

APRIL, 1820.

cent occurrences, should be adduced. A new State, provided its government were organized, and the form republican, might be admitted into the Union without any necessary intervention of legislative authority, by a treaty stipulating that it should send two Senators and one Representative to Congress. There was a republican government now organized among the blacks in the island of Hayti. If the doctrines asserted in relation to the extent of the treaty-making power were just, what was there to hinder the admission of this Republic into the Union, if the President and Senate were to be of opinion to admit it? Here was a case requiring no intervention of legislative aid. Here was a case which, from its character of external relation, fell within the class of the appropriate objects of treaty stipulation. It was sufficient for the argument, that the case was a possible one. Mr. A. did not affect to insinuate that the realization ever could be thought of. Considering, however, the value of West India possessions, there was a possible composition of the Executive department, in which the realization was by no means inconceivable. Constitutional doctrines, however, could not be sound, which involved the possibility of such a consequence.

There were various other and important views, connected with the discussion of this question of the just character of the treaty-making power in our Government, which Mr. A. said that fatigue compelled him to premit. An observation had been made in the debate, however, which it was necessary to notice. It had been said that, admitting the incompetency of the President and Senate to alienate, their power could not be denied to ascertain the limits of territory, and that the provisions of the treaty, in this respect, extended no farther than to an ascertainment of limits. The distinction, as related to the power, was admitted. There could be no question of the authority to settle limits. But was the character of the treaty such as had been represented? Did it operate only to define, and not extend to the alienation of territory? Was not the contrary of this suggestion notorious? Did not the treaty, on the face of it, purport to make a cession of territory, by stating the fact, and by employing throughout the language appropriate to cession? Did not every person, in any degree versed in the history of the controversy with Spain upon this subject, know that the boundary fixed by the treaty was, as had been observed by the Speaker, a new line made, and not a line ascertained? The treaty did, therefore, make an alienation of territory. Into the question of our title to this territory, Mr. A. did not design at this time to enter, farther than to observe, that the acceptance by Spain of the country as a cession from us, was to his mind sufficient evidence of the validity of our title. The inability, too, of Spain to make out a valid title against us, (which appeared from the negotiation to be the fact,) was itself, in the relative condition of the two countries, tantamount to a valid title upon our part.

Such were the views which Mr. A. had been led to entertain of the proposition affirmed by the

first resolution. But whether those views were well or ill-founded; whether Congress were or were not entitled to a voice in the disposal of the territory which the treaty with Spain proposed to alienate, there could be no question of its belonging, both to the right and the duty of Congress, to express an opinion upon any subject of national policy, deemed of sufficient importance to require such an expression. There could be as little question that this expression of opinion would have its due weight with the Executive Department of the Government. If Congress concurred, therefore, in the views which had dictated the second resolution, there could be no question of the propriety of affirming them, by the passage of the resolution.

There were several propositions asserted by the resolution—the disproportion of the equivalent rendered by Spain for our concessions in the treaty; the general impolicy of the transfer of the territory ceded on our part to any foreign Power: and the inexpediency as a consequence of these, of the ratification of the treaty, now that the option of our Government was restored, to ratify or reject it. Was, then, the equivalent stipulated to be rendered by them disproportionate, and was it impolitic to make a transfer to any foreign Power of the territory we had stipulated to cede? What were the relative concessions of the contracting parties? On the side of the United States, five millions of dollars to be paid, in part discharge of claims of our citizens upon Spain; the abandonment of the residue of these claims; of which, as they stood in the same character, the allowance of this part was, in effect, a recognition to the amount of \$15,000,000, as had been stated (by the honorable Speaker;) the privilege to the subjects of Spain, carrying on commerce with the territory we were to acquire, of admission into its ports on the same terms with our own citizens, for the period of twelve years from the ratification of the treaty; and, finally, the territory of Texas, which we stipulated to cede. Placing out of view the other parts of this concession, what was the character and value of this territory of Texas? The full value we were not possessed of sufficient information, it was probable, to enable us to appreciate. Enough, however, was known to ascertain its superiority in this respect to the province, as part of the consideration of which it was proposed to be transferred. In superficial extent, Texas would not be denied to be several times larger than Florida. In a general character of fertility, the two countries, according to the accounts which Mr. A. had received, admitted of no comparison, so decidedly was the advantage on the side of the former of them. Placed in a near vicinity to South America, this province asserted still more signally, to the character of its productions, its affinity to the peculiar natural advantages which distinguish, in a manner so remarkable, that most favored portion of the earth. Productions of the highest value, and supposed to be the most widely diversified, as respected the soil and climate they required, found here a point of neighborhood and union. Corn, cotton, sugar, met a congenial soil,

APRIL, 1820.

The Spanish Treaty.

H. OF R.

and circumstances favorable to their production. The climate was of extraordinary salubrity—the rivers various and large. And what was the consideration for which we were to surrender a country such as this had been described; of immense extent, possessed of every natural advantage, destined by the most signal evidences to high political importance? Was it for the sands of Florida? No, not for the property, but for little more than the sovereignty of these sands. For, independently of the grants to Alagon, and Vargas, and Punon Rostro, which had been the subjects of recent contestation, the largest and the most valuable portion of the soil of Florida was known to have been granted out. The recent contested grants had only been of the residuary lands. In the bargain which had been made we were to give the sovereignty and nearly the whole, Mr. A. presumed, of the soil of Texas, such as it had been described, for little more, comparatively speaking, than the sovereignty of Florida. Was the bargain one, which, in this obvious view of its character, with perfect liberty to accept or reject it, it would be expedient to confirm? But, great importance was attributed to Florida in a military and political point of view.

Without any design of derogation from the importance of Florida in this respect, did this consideration, Mr. A. asked, render its acquisition at this time, and at the price of any disproportionate equivalent, an object of reasonable solicitude on our part? He apprehended that it did not. Whatever might be the advantages presented by this country for purposes of military or commercial annoyance, in the hands of Spain, it could not be rendered subservient to any such purposes against us. Spain did not possess, nor had the faculty of acquiring means and resources, military or naval, which could be applied to such objects. Nor, if she possessed, or could acquire them, could it ever be her policy to avail herself of the position of Florida to employ them against this country.

In proof of this the single consideration was sufficient, that the inevitable result of the pursuit of such a policy would be the loss of the province in question, without the possibility of indemnification. This result, it would be admitted, could not be prevented by any exertion or contingency of events. The acquisition of Florida was therefore an object of no considerable importance as related to any view of danger of its being used for purposes of annoyance by Spain. The ground of apprehension was as slight from any other quarter. The Indian inhabitants would be in no great degree more likely to give us disturbance, if the country continued in the hands of Spain, than if it were transferred to our own. Nor was fear indeed to be indulged of disturbance from this source while the life or the memory of Jackson among his Indian adversaries were preserved. For danger, proceeding from any European Power other than Spain, we had already made an adequate provision by a law giving authority to the President to prevent the occupation of Florida by a foreign Power. Mr. A. said that, in the policy of this law, he entirely concurred. While he

should be opposed to the occupation of the country by ourselves, at least under present circumstances, when he would be averse to any measure by which the hazard of war might be incurred, he should, at all times and under all circumstances, consider the prevention of the occupation of Florida by any other foreign Power than Spain, as a measure of indisputable and unimpeachable policy, on the part of this country. It stood justified to his mind by considerations admitted to be paramount to all others—of defence and preservation. No Power could have either interest or motive in the acquisition of Florida, unconnected with views to our annoyance, and a policy dictated by such views, it was at all times as justifiable as it was necessary to repel. Whatever, then, might be the intrinsic importance of Florida in a political point of view, its acquisition could not be considered as demanded of us at this time at the price of any concession disproportioned to its proper value.

But was this character of importance, in a political view, confined to Florida? Was Texas of no consideration in this view? Let the situation of this province, at the back of Louisiana, and the direction of the flow of its principal rivers, be considered, and the important and delicate relation which it sustained to New Orleans, itself the most important position in our country, would immediately be perceived. Upon this view of the subject, interesting as it was, Mr. A. forbore, from obvious considerations, to enlarge. He would dismiss it, merely accompanied with a hint at the capacity of Texas to maintain a formidable population. Considered in a mere political aspect, then, the equivalent which we were to obtain for our territorial concession in the treaty appeared to be little entitled to the preference which had been allotted to it, and the ratification of the treaty altogether unadvisable.

There was another view of the subject, entirely concurrent with that which had been stated. Whatever might have been the value of Florida, could it not have been obtained on terms better than those which had been stipulated? There was certainly no indisposition on the part of Spain to yield it to us. This was manifest, from the character of the instructions which were known to have been given to Don Onís; from the fact of his signature to the treaty; from the fact of the despatch of the new mission, which was every day expected on our shores; and, finally, from the evidence disclosed by the publication of the late negotiation at Madrid, which showed that the difficulties which had obstructed the ratification of the treaty did not relate to any reluctance indulged by the Government of Spain to make a cession of the country. Spain had no interest in the retention of this province. It was of no value, but rather a source of expense, and a burden as a territorial dependency. It could be of no value, from her peculiar condition, in a military or commercial view. Superadded to this consideration, she had strong motives to make the cession. If the motives of her determination to do so, as heretofore evinced, had reference to the posture of her affairs in South America, these motives not only retained an undi-

minished, but had acquired an increased force from recent occurrences. If the object of her policy, hitherto, had been to prevent our interference in any mode in the contest with the patriots, and she still retained the hope of being enabled to prosecute that contest, the increasing difficulties of her situation, and the knowledge of the peculiar and growing state of public sentiment in this country, both towards herself and towards the patriots, furnished decided inducements to her to continue to act in the same line of policy, and to secure our further forbearance at the price which she had already determined to regard as a consideration not too high for it. But, if she had lost all hope of being enabled to prosecute the contest with the colonies, then her inducements to the same course became still more unequivocal. Why? because she knew that in the event of the success of the patriots, Florida must fall into their hands, who may be presumed to form the objects of her peculiar animosity, or must come by the operation of domestic revolution into ours, without her obtaining any compensation for it, even the liquidation of our claims on her for spoliation. In every view, then, interest, and in one view, a moral feeling, more powerful in its operation than interest, prompted Spain to the pursuit of the same policy, which was that of cession of the territory we were desirous to obtain. There was no opposing interest or motive of any sort. Under these circumstances, left, as we were, at liberty by the delay of Spain in ratifying the treaty, and even authorized to rise in our demands, would it not be a policy preferable to the ratification of the treaty to trust ourselves to the results of a new negotiation? In the worst event of such a resort, we might expect, considering the advantage of our situation, to procure Florida for money, (more alluring to Spain in her present circumstances than territory,) in place of the disproportioned territorial equivalent which we had stipulated to give for it.

Might we not be justified, too, in indulging a glance at the very possible contingency of procuring this country, without the payment of any price, by the effect of domestic revolution? In any event, our claims on Spain would remain the same. They might be considered as having derived the advantage of recognition from the treaty. Spain was in no condition to satisfy them in any other way than by a cession of Florida. If she declined to satisfy them in this, the only mode which was in her power, we would be at liberty to adopt a remedy for ourselves. The fund could not escape us. It was at all times liable to our control. Could there, in such circumstances, be excuse for imprudence, or occasion for precipitation, in our endeavors to obtain possession of Florida, however desirable it might be to do so?

Upon the whole, Mr. A. said, he considered the propositions affirmed by the second resolution as sustained—that there was a want of proportion in the relative concessions of the treaty; that the territory which it purported to cede on our part, ought not to be made the subject of transfer to any other foreign Power, and that the ratification of the

treaty was in every view inexpedient. Entertaining these views, he had no hesitation in expressing them, and he hoped that the resolutions would meet the approbation of the Committee.

Mr. TRIMBLE, of Kentucky, said, that he had risen to support both of the resolutions offered by his colleague, the honorable Speaker. He saw in the documents strong indications of intention to accept the treaty, and, dissatisfied as he was, he owed it as a duty to himself, to the nation generally, and especially to that part of it residing on the Western waters, to enter his protest at large against the ratification. The treaty, in his opinion, was one of great interest to the nation; presenting various topics for discussion, most of which had been precluded from debate by the cautious prudence of his friend from South Carolina, (Mr. LOWNDES.) He knew that the rules of the House gave him a wide range, but he found himself unexpectedly restricted by the solicitude of the chairman of the Committee of Foreign Relations. He was sure that solicitude was deeply felt, because it was strongly expressed, and being always ready to defer to his talents and discretion, he would cheerfully conform to his wishes. He had no right, he said, to complain of the course proposed; and he would do his friend the justice to say, that, if he did not advance with the boldness of Alexander, he displayed in retreat all the skill of a Xenophon. He was in Parliament, what Moreau and Montecuccoli were in the field; he carried every thing with him; had left no spoil for his pursuers; no point exposed; no barriers undefended. The honor of the nation could not be placed in better hands, or safer keeping; and no one could defend its interests with superior ability.

The friends of the treaty, he said, had sought occasion to proclaim its merits; its opposers, until now, had not been heard. It was time the people should be heard; it was time for their Representatives to speak. The Western people have but one market for their produce—one emporium for their commerce; and the treaty leaves that one unprotected; leaves it fearfully exposed. He did not believe that the nation, if consulted, would ratify this treaty; he did not consider it a thing *in esse*; a contract in abeyance; it was, in his opinion, a mere nullity; and each party remitted back to his original rights and claims.

Our relations with Spain, he said, required the display of some energy, and for that reason he had prepared his mind to vote for reprisals; not because the treaty was obligatory, but because time and chance might change the present posture of affairs and bring more trouble and more danger. To avoid that, and finish all at once, he would have acknowledged the patriots, and have occupied Texas and the Floridas. This would have brought the Castilian to terms, or made one war, and not a triple contest of it. Why strike for half the quarrel? If the army comes in as finisher of treaties, let us have all the land, and hold it as we did West Florida, subject to negotiation. He that takes justice in his own hands, should take the full measure of its claims.

APRIL, 1820.

The Spanish Treaty.

H. OF R.

Mr. T. did not intend to censure the officer who conducted the negotiations on our part; he would say that the ratification was pressed upon Spain with more zeal than judgment. She was made to suspect that the treaty was highly favorable to this country, because it was warmly urged; whereas, in fact, the advantage was wholly on the side of Spain. It was clear, from the documents, that Mr. Adams was not able to barter land with Don Onís; he had confided too much in Castilian honor, as to the dates of the grants, and suffered the crafty Spaniard to deceive him. He had been circumvented. This was no discomplement. It was proof of fair dealing on his part; and it was more honorable to be the victim than the agent or the perpetrator of hypocrisy and fraud. He said he had nothing to say against the Executive in this matter; and hoped that no one would charge him with want of confidence in that Department. He would not allow the supposition to be made; his confidence in the President was unimpaired; and this, of all subjects, was the one upon which it was least likely to be diminished. He said he had not forgotten, it was impossible he should forget, that a proposition was made thirty years ago, in a secret session of Congress, to surrender the Western country to Spain for twenty-five years, and that its defeat was owing almost entirely to the resistance made by our present Chief Magistrate. The question then was—"our right to navigate the Mississippi;" the question now is, our right to the country, Louisiana proper, and the positions which protect and defend it. Eschewing war, and loving peace, the President has made sacrifices to maintain it; liberality is found in every clause of the treaty; forbearance in every page of the message. Texas was thrown in as a peace-offering to Spain; she refused it; and we are not bound, in justice or in honor, to offer it again. This nation will never consent that it shall be offered or conceded. The treaty has been sent to us by the President; the whole subject is before us; we are in Committee of the Whole on the state of the Union, and have a right to enter our protest and objections; and he for one was ready to perform his duty. He could see no danger in a broad discussion; but he would relieve the anxiety of his friend (Mr. LOWNDES) at once, by omitting all the topics which he wished to have excluded.

The extent of the treaty-making power is one question; the check which this House of Congress holds upon it another. It was not necessary for him to prove that this House could rightfully and properly refuse to carry into effect a treaty, which, in its judgment, would be ruinous to the country. The first resolution asserts this right. He had just promised not to discuss it; but he would never yield it so long as he was a member of the body. Limited as he was in his course of inquiry, he would not engage in a critical analysis of the treaty. It was called a treaty of amity, settlement, and limits; it was, in fact, a treaty of cession, of limits, and satisfaction. Territory is ceded on both sides, in full sovereignty. Limits are settled, and satisfaction promised, for injuries

and spoliations. He would not stop to define the treaty-making power, or lay down its limits, its corners, and abutments. That his friend (Mr. LOWNDES) would call "abstraction." But there are stipulations, he said, in this instrument, above the treaty-making power; above the Constitution; stipulations, alarming to freemen, and fraught with serious mischief; he felt it his duty to present them to the nation.

He said it would be recollected that the Louisiana Treaty amalgamated the inhabitants of that country with the people of the United States; that it gave them a common interest in the Union; an equal claim to its protection; a guarantee of "all the rights, advantages, and immunities, of citizens of the States." To use an Indian metaphor, the treaty of cession made us *all one man*. The fact was well known that some of the French inhabitants resided at that date, and still continue to reside, in that part of Texas then ceded to us, and now ceded to Spain. Some of our own people had removed there since the treaty of April 30, 1803; had purchased lands of Frenchmen, holding grants under the French Government, and stood upon the soil as *allodial free men of the Union*, claiming its protection, and rendering it due homage and all fealty. Now, sir, said he, I assert roundly, I contend boldly, that there is no power in the Constitution under which you can expatriate a citizen of the Union. I know that a treaty is the supreme law of the land: I admit that the treaty power is competent to settle questions of boundary and limits; but I deny the existence of any power by which you can alienate a citizen—denationalize a free man. What, sir! sell land to a citizen; take his money; and then sell him, and land, and liberty, and all! It is too monstrous to be endured: it challenges resistance the moment it is seen. Citizenship is not an article of merchandise; it is not negotiable. Political rights in our Government are not subjects of barter and exchange; they could not be sold under hammer at political auction. Citizenship is indefeasible; inalienable: it is a patrimony descending to us from our ancestors, under entail, and we must leave it to posterity unbroken. Show me your power, said he, to cede citizens with sovereignty, like serfs and vassals of the soil. Show the power or expunge the stipulation from the treaty. Strike it out; obliterate it; and leave the statute book untainted by the precedents. There are some hundreds of our citizens, by birth and adoption, expatriated by this treaty. The fact was surely unknown to the Secretary at that date. What reply could you make to a petition and remonstrance from these people? How would a committee report upon the case? A skilful diplomatist might boggle at the question. The stipulation would never be sanctioned by the nation: it required a statesman of courage to affirm the power; and to such he would leave the honor of defending it. He would never envy the laurels they might gather.

Mr. T. had objections to another article, an encrescence in the treaty, which called loudly for the knife and caustic. It grew out of the subject of claims and spoliations. The demands of our

citizens are stated by some at ten millions of dollars, by others at twenty. Ten is below the minimum in aggregate. The eleventh article of the treaty exonerates Spain from these demands; gives a full renunciation; cancels the whole debt, and undertakes to make satisfaction to our citizens to an amount not exceeding five millions of dollars. Where, said he, does the treaty-making power find authority to expunge the claims of our citizens—extinguish their right to demand the full amount from Spain, and only pay them half the money? Barter their whole claims for soil and sovereignty; for sand and sea-weed—a barren sceptre—and pay them but one moiety! This is a new mode of levying taxes, of raising contributions: a letter of marque and reprisal on ourselves; a flat violation of the fifth article of the amendments to the Constitution, which declares, that “private property shall not be taken for public purposes, without just compensation.”

What is just compensation? Payment in full, and nothing less. “Render unto Cæsar the things that are his;” not a part of those things, but the whole of them. Our people were sufferers under the new code of maritime jurisprudence—under lawless edicts and decrees. They were struck by spoliation, and ruined by delay. Justice demanded a reimbursement of principal and interest. This Government was bound in duty and good faith to ask it for them. It has cancelled the claims in exchange for Florida. These claimants are men of sense and judgment, of weight and influence in the country; they will lose nothing by modesty in asking; consummate the treaty, and you will find a cart-load of petitions on your table, praying payment of the whole amount: will you grant it? If so, you give Texas, and ten millions for the Floridas. If you refuse, where is your boasted love of justice—where your equality of rights? The Constitution and the social compact are both infringed. Man enters society in self-defence; we surrender part of our rights to purchase protection for the residue: we grant the power to tax our property, to pay the expenses of protection, but not the power of relinquishing our claims, for public purposes, without a fair equivalent. Let this matter be carefully considered. If you ratify the treaty and pay ten millions to these claimants, the bargain is unequal in all respects. If you refuse, what will Europe say? What a precedent for her—a case in point!

Our people have claims for spoliation against the other Powers of Europe. If in this instance we take the shoes of Spain, and pay but half the debt, will not the other Powers cite the precedent, and cut off a moiety of what they owe? Can we urge them to do our citizens more justice than we do ourselves? Better lose Florida than lose our character abroad. The reputation of our Government for moral justice is of more value than barren territory.

He said he would barely notice the grants to Puno Rostro, Alagon, and Vargas. They are third persons, whose rights cannot be affected by the protest of our Minister, announcing our intended construction of the treaty; their titles would

rest upon the dates, and letter of the grants and treaty, sanctioned by the Laws of the Indies, and nothing short of revocation would remove the encumbrance. A law suit with the patentees was not desirable.

He was not exactly satisfied with the line west of the Rocky Mountains, especially, as that portion of country was the supposed equivalent for Texas. All the exploring parties to the Pacific ocean, since the return of Lewis and Clarke, had united in opinion, that the only practicable route for constant intercourse and trading purposes to the Columbia, lies across the Rocky Mountains, from the head waters of the Arkansas to those of the Multnomah.

By the treaty our boundary stops at 42 degrees north latitude; now if gentlemen will make an examination of the map, they will find that this line of latitude will give Spain the entire navigation of that fine river for about five hundred miles. These last objections, he said, were blemishes in the treaty which ought to be corrected. He had intended, he said, to treat this as a question of great national policy, and on this morning had determined to limit his views in some measure to its domestic aspects, and relations. In doing this he should waive the discussion of several topics which had claims to his attention. He would barely name some of them.

1st. The question of equivalents.

2d. The Treasury side of the subject—the items of profit and loss.

3d. The quality and value of the soil of Florida and Texas; acre per acre.

4th. The live oak of each province, especially of Texas, and its great value for naval purposes.

The ports and harbors of Florida and Texas ought to be omitted. It was his opinion that we ought to hold both provinces, and it was not his intention to disparage either. He would not therefore compare the ports and harbors, although those of Texas would bear a contrast; our charts of both coasts were too imperfect to be relied on, and the recent correction of mistake as to the depth of water on the outer bar at Mobile Point and Dauphin Island, would caution him against hastily admitting the facts reported by submarine explorers. What effect will the surrender of the ports of Texas have upon our carrying trade? Let our Eastern shippers and tonnage holders look to that; it is their immediate interest. It belongs to navigation. Get the ports of Galveston and Matagorda, and you get the carrying trade of Vera Cruz. It is a branch of our coasting trade, and if wisely followed, will draw after it the entire carrying trade of Mexico, or New Spain. Every alienation on the Gulf will so far at least diminish your prospect of securing the carrying trade upon those seas. Will gentlemen from the East suffer the phantasies and delusions of a moment, to deprive them of such lasting and valuable advantages? A safe and sure trade upon the Gulf is as much the interest of the Eastern, as the Western States; will they permit local feelings, founded on visions and airy nothings, to govern them in questions of such general and substantial benefit? He would hope not. For

APRIL, 1820.

The Spanish Treaty.

H. OF R.

his part, he would never so far degrade his station here, as to suffer local interests to govern him upon questions of great national concern. He thought it his duty to strengthen the cohesion of the Union. He had formerly voted, and he should again vote to encourage domestic manufactures. He had always voted for every bill intended to protect our commerce, and place it on an equal footing with that of other nations; and he intended still to do so, always giving the preference to agriculture; and holding the balance even, if he could, between commerce and manufactures. He would ask Eastern gentlemen to name an instance, in which Western members had arrayed themselves against the interests of the East. Yet they ought to know that we are not misled by the exploded doctrine, "that commerce can best protect itself." We have too many bills before us from the Committee on Commerce, to believe one word of it. This is the age of maritime restrictions, and we know very well that commerce will come to nothing, if we "leave it to protect itself."

The value of Texas as a coffee country, would claim brief notice. It was a subject richly deserving the attention of a statesman. The primary policy of this nation is, to make itself independent of the commercial world; particularly so far as relates to the common necessities of life. This is the basis of every argument in favor of domestic manufactures. Is it not equally as strong in favor of all articles of sustenance, especially coffee, which has become the common and daily beverage of all classes of society? Ought the supply to depend upon a foreign market? Such is our dependence now, and always has been; and the vicissitudes of trade, and war, and restrictions upon commerce, have made us pay dearly for what we have consumed. Our soil produces all the necessities of life, each climate yielding its indigenous supplies; but it so happens that Texas is the only coffee land we have, or ever can have, unless we conquer Mexico, or engage in the colonial system, either of which would be worse than madness. This, is, therefore, the last and only chance we shall ever have, to cut the cable of commercial vassalage, by creating a home supply for domestic uses.

These, if there were no other objections to the treaty, would induce him as an American statesman to reject it. He would leave them and pursue his course; his object was the high domain.

His great objection to the treaty, one which in his opinion was decisive, had not yet been pressed or amplified. The argument had chiefly rested upon the treaty-making power, and the power of this House; and upon title, and equivalents. His friend from Virginia (Mr. ARCHER) had debated the question of power, with an ability which did him honor. There, Mr. T. would let it rest. The view which he would take of the subject made it of little importance whether the first resolution should be affirmed or not. He would vote for the second, with the utmost freedom.

Title and equivalents apart, ought this nation to accept the limits settled by the treaty, and surrender Texas?

The boundary, in his opinion, was the main question. Most of the other stipulations were retroactive; had reference only to the interests of a few. But this is entirely prospective in its operation. It concerns every citizen of the Republic, and especially those of the West, whose barriers were about to be surrendered; the shield of whose commerce was about to be broken, and the emporium of their trade exposed to surreption and to plunder. It was of no consequence, he said, whether we had title or no title to the province in dispute. Not that he intended to yield our claim of title—far from it. He saw no room for doubt; the argument upon title was conclusive in our favor. That gave us the "vantage ground;" but he would waive it entirely, because he intended to sustain himself upon other facts and principles, and would endeavor to show that the surrender of Texas would be in every respect improvident and dangerous.

This, he said, was a Treaty of Limits. The Father of the Universe, in his peculiar providence, had given natural boundaries to every continent and kingdom—permanent, physical, imperishable barriers, to every nation, to shield it from invasion. Man, in his mad career of glory, his thirst for dominion, had rejected as useless the great and permanent boundaries of nature, and sought out ideal, perishable limits of his own creation. Look at the great profile of every continent, and you find them partitioned by the hand of Providence into portions and allotments convenient for the purposes of social happiness; and these allotments are every where protected by barriers and defences. Spain herself is an instance. She is bounded by two seas and one mountain—the Atlantic and Mediterranean, and the Pyrennees. Hundreds of wars have arisen upon questions of ideal boundary, and millions of human beings have been slaughtered to beat back ambitious nations into their natural limits. Compacts and paper boundaries are men of straw in the hands of domination. It is physical barriers alone that check encroachment, and give repose to feeble nations. In Europe, questions of boundary are settled by the law of accident, of conquest, of necessity, of weakness—by the law called "the balance of power." Density of population, conflicting interest, and long established usages, preclude all hope of voluntary change. Ours, on the contrary, is a new world, sparsely settled, (partly unpeopled,) inhabited by nations in a state of pupillage. We alone have risen from minority to manhood. We have fought one war for independence; another for "free trade and sailors' rights;" and another must be fought for barriers and boundaries, if you ratify this treaty. We are acting on a new theatre, under new auspices, and new principles.

What ought to be the confines of our Union? That was the great question confided to our Minister. No public functionary ever held a higher trust, or filled an office more responsible—the sacred trust of giving limits to the only free nation in existence. Called as he was to that high trust; holding as he did in his hands the destiny of millions; animated, as he surely was, by all the mo-

H. OF R.

The Spanish Treaty.

APRIL, 1820.

ties that could stimulate his love of country, he should have spurned the higgling policy of Kings, the truck and traffic of European despots, and their ambidextrous Ministers, and, mounting upwards to first principles, demanded at once our natural limits, the barriers of our country, and yielded with equal promptitude all claims beyond them. Nations are individuals in relation to each other; and, as self-defence is the first law of man, so is national defence the first law of society. The boundaries of States and Kingdoms should be settled with reference to their military defence and maritime protection. Every nation should possess the military positions which defend its frontier, and the keys which protect the emporiums of its commerce. These barriers are hostages for the peace of nations; and no people can neglect them with impunity, or surrender them with safety. It is by acquiring these, in times of peace, that preparation is best made for war. These, said Mr. T., are maxims established by experience and sanctioned by all history. Are they found in this treaty? Do they sanction its stipulations, or had they been forgotten in the lapse of diplomacy? he was mistaken if they were not. He would conjure gentlemen not to mislead themselves with doubts about the title. We were purchasing territory, and fixing limits. Title was nothing. Boundary and barriers were every thing. There lies the pith and marrow of the subject.

1st. Where are the natural limits and barriers of the Republic?

2d. Was it in our power to obtain a cession for those limits?

3d. Were they necessary or desirable for military purposes—for protection and defence?

4th. Were they wanted as safeguards to our commerce and commercial depots?

5th. If we transfer our claim, be it bad or good, shadow or substance, may not some hostile Power, some jealous adversary, occupy the province, and use it to assail New Orleans, and destroy our Western commerce, or load it with exactions?

These were inquiries of first magnitude, and claim our cool deliberation. The Rio del Norte, the Puerco, and the Apachee mountains, and Sierra Obscura, (dark mountains,) are our national limits, on that side of the confederacy. Examine, if you please, a map of our country; compare it with that of other nations. Like France, we are bounded by two seas and two mountains—the Atlantic and the lakes on those sides, and by the mountains West and South. The Rio del Norte is to us what the Rhine is to France, and Texas is our low country—our Netherlands. Spain authorized her Minister to cede all as far as the Rio del Norte; wherefore shall we surrender all beyond the Sabine? The Minister had full powers, and his secret instructions permitted him to cede much farther than he did—rumor says, a large portion of New Spain; meaning “Louisiana, as it should be,” to the Rio del Norte. Why did we yield? Why not adhere to every acre? The Spaniard had fears, and our interests were set off against his fears—our barriers and defences, to save his head. The commercial interests of eight States, two Ter-

ritories, parts of two States, and all the transmontane regions surrendered, now and forever, to save a Spaniard from potential danger.

New Orleans, he said, was the only entrepot for the commerce of the Mississippi and its waters. No city, of ancient or modern times, possessed the same advantages; certainly none of ours had equal prospects for the future. It was destined to become the great emporium of the new world. It was the heel of Achilles—our vulnerable point. Florida, Texas, and Cuba, are the great military and naval positions which defend the city and its commerce, or threaten it with invasion. It is peculiarly exposed to combined operations—to simultaneous attacks by land and water. Let it be taken, and the tree is belted; the country above it will deaden and decay. We have no other market. Our produce will perish on our hands. Expose New Orleans, and you expose our interests in the same proportion. A place of such importance should be guarded by positions which bid defiance to assault. The three positions he had named belong properly to our continent. Cuba, said he, we shall never get; and the treaty offers to surrender Texas, leaving us Florida, the weakest of the three, to defend the city. He would say the weakest, because he should hazard nothing in affirming that Orleans is most vulnerable on its right flank—on the side of Texas; and always would be so, until that province is settled by our people. From Florida and Cuba the line of attack upon New Orleans is by water; the land route from East Florida being impracticable for any army of invasion. The enemy would have to debark itself in the face of defensive armies, an operation never desirable, and almost always dangerous. But the base of a campaign against Orleans, laid in Texas, and aided by the fine horses of that country, and the facilities of descent by the Red river and Mississippi, would insure success; and, even if defeated, the men and means of that defeat would cost this country more than twice the sum which would at this day purchase the whole province. This line of attack unites all the advantages of land and water movements. A fleet could actively operate upon the Gulf, and furnish the invading army with supplies, by the rivers and bayous of the country. All this was so clear to him, so palpable, that he marvelled greatly at those who could not see it. He would ask, if New Orleans had nothing to fear from a transfer of Texas to England? Nothing from a coalition between England and New Spain? Nothing from the ambition of a Creolian Emperor of Mexico, possessing the very sinews of war, the mines and precious metals, and stimulated by the love of domination?

England, he said, had fought us two wars, and committed the same errors in each. It was not for him to expose her blunders; experience would not be lost upon her; she could feel for a soft place as well as other nations. It is said she urges Spain to ratify the treaty; and it is also said that she holds a secret treaty of cession for the island of Cuba; that has been denied. Perhaps it is only a cession of Texas, in part remuneration for subsidies furnished during the war in the Peninsula

APRIL, 1820.

The Spanish Treaty.

H. OF R.

against Napoleon and King Joseph. Next to Cuba, it is the most important acquisition she could make upon our borders; especially if she intends to fight us another war. She would then hold the barriers of our country on each flank—on the North and South; and while we besiege Quebec she would plunder Orleans. If she demands the province, can Ferdinand refuse? Where was he, and what his condition, in February last? At Madrid, surrounded by discord and confusion; his coffers empty; his subjects mutinous; and his army in rebellion. Where is he now? Perhaps winging his aerial flight after his cousin the Duke of Berri; perhaps an exile from his native land, living upon the bounty of the allies; perhaps a fugitive, houseless and friendless in his own dominions; perhaps a tenant in his own dungeons, the companion of State criminals, the victims of his mad policy.

Mr. T. rejoiced that he was a son of the new world; a citizen of a free government; a companion of freemen. Had his lot been cast elsewhere, Ireland of choice should have been his birth-place, the land of hospitality and heroes, of patriots and martyrs; and, next to Ireland, France. The French, said he, are a brave and generous people; heroic, magnanimous, and lofty; their renown in arms will be remembered, when the dynasties of the Bourbons and Napoleons are forgotten. They deserved to enjoy a bright day of liberty, of which they saw only the twilight. The holy alliance may persuade Louis XVIII to abolish the law of elections, the freedom of the press, and the trial by jury, and to revive the *lettres de cachet*; but the king should beware. The spirit of freedom in France is unbroken—it only sleeps—the ultras will ruin him. Even now his power totters to its base. But, as to his cousin Ferdinand, he dare not send him subsidies. He dare not march an army into Spain. Frenchmen may fight to build up a constitution, they will not fight to put one down. What can Ferdinand do? Where can he turn for succor? What are his means to purchase it? His colonies are torn away by revolution, never to re-unite. He has nothing left but Cuba, and Porto Rico, and Texas. New Spain is nothing, because Apodaca will be Emperor of Mexico, whenever time and chance will favor him. Cuba is the brightest gem upon the Crown; that comes to the hammer last. What has he left but Texas, which is available to purchase subsidies? Like other bankrupts, he must surrender his effects, and England must take Texas for a shilling in the pound. The purchase would give her commercial advantages and military strength. Would she value it for military purposes? He could state a fact which would serve him as an argument. No one, he said, had forgotten the affair of the Chesapeake; on that occasion the war whoop resounded through all parts of the Union; England heard it, and began to prepare for probable events.

An officer was sent to New Orleans, to make topographical reports of the country, and furnish plans of campaign against the city. That officer suggested three plans. 1st. By Lake Borgne, and the Mississippi. This was the assault in front, or

direct line of attack. 2d. By Lake Borgne, Ponchartrain, Maurepas, and the Iberville river, descending by water upon New Orleans. This was the attack by the left and rear. 3d. By laying the base of the campaign in Texas, and crossing that province, descend the Red river and Mississippi, and strike the city. This was the line of assault by right and rear. In each plan the front was to be held in check by the co-operation of a fleet upon the Gulf. General Pakenham adopted the first plan, with what success need not be told; the world and history would long remember it. The second plan might have conducted him to victory; but the third was then, and ever will be, the best and most certain of success, because the lines of approach are so numerous that it is impossible to fortify against them; and, if the attack is made at the same season of low water, when supplies and reinforcements cannot descend the Ohio, Orleans would fall beyond a doubt—nothing but accident and mischance could save it. Let gentlemen look at a map of that country, and mark the plans referred to, and the facilities of each, and compare them with the physical means of resistance which the country furnishes. Let them combine the effects of positions on each other, their action and re-action. Let them, above all, remember that the best possible plan of campaign is that in which the invading army (without weakening itself by detachments) performs *en masse* the double operation of intercepting supplies and reinforcement, at the same time that it presses a siege, or makes an escalade, and they will have to admit that Orleans has most to fear from the province of Texas.

He said, he had no intention to deceive himself or to mislead others. He had no complaint to make against the Cabinet for having assented to the treaty. He was sure the President intended to do every thing he could in favor of that section of the Union, consistent with his general duties to the nation, and that it would give him peculiar pleasure to put the finishing touch to the great Mississippi question, in the management of which he had been so conspicuous from its origin to this day, and for which distinguished services he deserved all the applause which the nation had awarded him. Mr. T. knew well enough that members residing at different parts of the Union might have different views of the subject. It was his settled opinion that Texas was worth more than Florida, and he would express his sentiments with the frankness of a freeman. It was worth more for agricultural purposes; for military defence; for maritime protection; for a hostage of peace between us and Mexico. As a colony of England, we should find it a whip of scorpions. With it we surrender the control of the Comanches, the Lepans, the Tetans, and various tribes of Indians who inhabit its plains and mountains; the most powerful and warlike Indians on the continent—numbering from ten to twenty-five thousand warriors, of great muscular strength and vigorous constitutions—mounted upon the finest horses in our country—the Andalusian blood crossed with Arabian. These wild men are the uncon-

H. OF R.

The Spanish Treaty.

APRIL, 1820.

quered descendants of Montezuma, inhabiting the Switzerland of New Spain; a determined, vigilant, and crafty race—fruitful in stratagem, skilful in arms and horsemanship, and fierce in battle. They are the Cossacks of America; the Spartans of modern times. Let no man despise the children of the *Sun*!

What if England should get the province, subside the natives, and establish a line of posts along our Southern border? Is experience lost upon us? Have we forgotten the rude lessons of last war? Here we are, contesting the point of honor about the Missouri expedition; listening to wise counsellors, who teach us the value of Northwestern posts; of holding checks upon the Indians in that quarter, and counterchecks upon the influence of British traders, and at the same time advise us to surrender Texas; a country of rich soil and mild climate, about one hundred leagues wide, and extending more than seven hundred miles along our Southern frontier; exposing us, thoughtlessly and carelessly, to the vexations and dangers of Indian warfare on that border, but carefully and promptly creating counterguards elsewhere. Here we protect you against the ruthless savage; there we expose you to his tender mercies. The contrast struck him with amazement. France had a cordon of posts around us while we were colonies; she had forts from Quebec up the Lakes, and down the Ohio and Mississippi to New Orleans. The effect was not forgotten. In the war of '56, she brought the Indians upon our frontier from Lake George to the swamps of Florida. The blood of our people was shed in copious streams; thousands of lives were sacrificed, and millions of money spent in repelling the barbarous invaders. England pursued the same policy during the Revolution, and again the savages laid waste our frontier from the Mohawk to the Oconee and St. Mary's, in Georgia.

We had barely recovered from this blow, when the Mississippi question struck us with consternation and dismay. He alluded, he said, to the famous proposition to surrender the transmontane country to Spain. We shall find it upon the secret journal; the gentleman from South Carolina (Mr. PINCKNEY) had told us so from his place in this House, and he was a member of that Congress. We of the West were to have been pruned off from the Tree of Liberty; our soil rented to a foreign despot; leased for a term of years; ourselves threatened with the insolence of Spanish power, and the horrors of Spanish tyranny. Who would have been our Viceroy or Captain General? One of our own countrymen? No, sir, a foreigner, some royal parasite; a myrmidon of power; a bloody and merciless Morillo, with inquisition at his heels, to crush the spirit of independence or drive us from the country; our hardy, fearless woodsmen, after surmounting the perils of migration, and subduing the Spartans of the forest, must have bowed, silent and sullen, to the yoke of Spain, or paid the forfeit of resistance in lingering torments to glut the vengeance of unholy altars; and our heroic, enterprising females, after breasting the tomahawk, and scalping-knife of sav-

age war, would have been spared, only to witness the horror-breasting scenes exhibited not long since in Valencia; the blood of maiden innocence, gushing from its naked limbs, and dripping from the torture and the rack. That thunderbolt went by; and now another comes. Our barriers are surrendered—bartered away. The equivalent is nothing; barriers have no equivalents; they are above its standard; they are the gift of God to nations; the shield and buckler of defence; the guards and counterchecks against invasion. The great Engineer of the Universe has fixed the natural limits of our country, and man cannot change them; that at least is above the treaty-making power. To that boundary we shall go; "peaceably if we can, forcibly if we must;" beyond it, all to us is worthless; we would not have it as a gift; not if Spain would give a dowry with it: that would lay the foundation of perpetual collisions; the other would exclude them so far as human wisdom can avert the danger. Boundaries fix the destiny of nations for *peace* or *war*. The primary law of all communities is self-defence, protection from assault, shelter from invasion, safeguards for commerce, and commercial depots. They who surrender barriers; betray themselves; it is high treason against posterity; the evil ends not with time present; it operates in perpetuity. Why sell the birthright of our country? Our ancestors left us a goodly heritage; let us preserve it unimpaired; we are responsible for the estate, and its abutments and defences; not to those who have passed away, and sleep with their fathers; no, sir, to ourselves; to this nation, the only free one on the globe; to a long line of succeeding generations; to the cause of freedom and humanity itself. Will you hazard a failure of this great political experiment, "in the full tide of its success?" Will you jeopardize the integrity of the nation by surrendering its safeguards, and thereby inviting foreign Powers to seize our emporiums, and smite us with disunion? No act of his should create even potential danger of that sort; his vote should be against such measures so long as he had a place in the councils of the Union. His solemn protest was against the treaty; it cedes without equivalents; takes private property for public purposes, and repays only a moiety; expatriates allodial citizens; surrenders the navigation of the Multnomah; girts us closely up with a line of posts; barbers away our coffee land; surrenders our natural boundary, our barriers against Mexico; exposes the emporium of western commerce, and violates all primary principles which govern the establishment of boundaries and limits.

MR. ANDERSON, of Kentucky, said that he regretted very much to see the course in which the gentlemen who had preceded him had thought proper to indulge themselves. A course which went in every way to depreciate Florida, and to give to Texas such exaggerated advantages as he believed no country ever possessed. He had never heard until lately that the acquisition of Florida was not eminently desirable to this country; not only on account of its positive advantages, but for

APRIL, 1820.

The Spanish Treaty.

H. OF R.

the purpose of excluding from all ownership any foreign Power, whose neighborhood would always be unfriendly, and particularly for preventing its occupation by a Power which had a strong naval force. The complete natural boundary which its possession would give us, its fine ports, the command of the Gulf, (an advantage always in the recollection of those whose productions passed to market through the channel of the Mississippi,) had formed the reasons which induced the American people to desire it. Without having any particular information on the subject, which was not common to every gentleman, Mr. A. said that he had yielded to those reasons which seemed so obvious, and had partaken of the general anxiety. Public sentiment had decided on the importance of the acquisition, and the Executive department of the Government has been stimulated by a knowledge of the universal wish that Florida should belong to us. It may be safely affirmed that for many years the people have never looked to a settlement of our differences with Spain, without combining with that adjustment the acquisition of Florida. So strongly had it seized on the public mind that the original cause of our negotiation with Spain had become only an incident in public sentiment. This general anxiety was connected, too, with a belief that its purchase was essential to the complete suppression of the Indian hostilities, which had so long vexed our Southern citizens.

During the long and tedious negotiations which preceded the treaty of February, 1819, this general belief had been cherished and augmented. Nothing was said or published to divert the public attention, nor to show the people or the Government that they attached to the country an improper value. But it is now becoming the fashionable opinion that if the treaty is ratified, we shall have acquired nothing valuable; that Florida is a sand-bank; that it is, at any rate, what we can do very well without at present. All the value which we have heretofore attached to that country is now transferred to Texas; the climate of Texas, its soil, its relation to the Gulf, its fine port, its high maritime importance, have been spoken of in language of the highest praise. Mr. A. said that much of this may be true; the map showed to him the climate, and he had heard that there was much fine land. But the nature and accuracy of the information of the gentlemen, he presumed, depended upon authority very much like his own; he had seen very few people who had ever been there. And as it regarded the naval importance of the country and the fine port spoken of, he would observe that he considered the statements of the gentlemen wholly wrong. The general opinion, founded on the uncontradicted statements of our naval officers and others, was, that there is no port on the whole coast; and he could say that he had never heard of it, until it was mentioned yesterday by his friend, the Speaker. It had been frequently mentioned as a peculiarity and a commercial misfortune attending the coast of the Gulf, for a very great distance to the southward of the mouth of the Mississippi, that there was not even a tolerable harbor.

Mr. A. said he thought it peculiarly unfortunate that gentlemen should, under existing circumstances, when the acquisition had been made so far as the authorities of our Government extended, depreciate that which we had gotten, and for the payment of which our constituents might soon be called on to contribute, and should endeavor to enhance the value of that country which the same authorities had determined did not belong to us. He thought such a course might have a very unhappy effect on the public mind; and he deprecated very much every thing which would now tend to produce dissatisfaction towards a treaty which we had ourselves promoted and ratified.

On the subject of our power to interfere, in the way proposed, Mr. A. said he had no difficulty. He believed that it was competent to the House of Representatives, on any occasion in which they might constitutionally interfere, to bring to punishment the betrayers of the public trust, or which they might be ultimately called on to aid by an appropriation of money, to anticipate the case, and to avert the evil, which they foresaw was about to fall on the country. He believed that this House, on every great occasion, might so far embody and give expression to public sentiment, as to declare by resolution its opinion, for the purpose of averting a great national calamity which the treaty-making power or any other department was about to bring on the country. A right ultimately to prosecute the offenders seemed itself to give a power to avert the offence, by forewarning the agents. But, while he had no doubt of the right of the House to act in this case, in which, if the treaty were made, they would be called on to make the appropriations to fulfil it, he strenuously contended that no case had been made out to justify our interference. The utmost ingenuity of gentlemen had been exerted to ascertain whether the treaty were a good or a bad one. Where differences of opinion might exist as to its policy, it was essential that the treaty-making power should be uncontrolled; that the department which had the power to act should act on its own responsibility; that the exercise of this power should in no way be controlled, nor its responsibility shared by us. With these sentiments, he could have wished that the resolutions had not been introduced. If they had tended towards another purpose, to which an allusion had been made in the course of the debate, they should have had his cordial support. He would most cordially co-operate in any public measures which should go to establish between this country and the independent Governments of South America those relations which he believed the feelings of our citizens and the just claims of those Governments required—relations which he believed would soon exist with the approbation of every one.

There is another consideration which should make this House cautious in adopting the resolutions before us—cautious in abandoning the high ground we have obtained by our forbearance and magnanimity. The course of this protracted negotiation has gained to us much honor in the eyes of the world. Although we have failed as yet in

H. OF R.

The Spanish Treaty.

APRIL, 1820.

getting a recompense for the wrongs done to us, we have acquired a character which was worth much more. We have shown to the world that we sought justice, not aggrandizement; we have shown that we could abstain from war, even when our adversary had given to us the amplest justification. We have defeated the malicious predictions of the politicians of Europe, who declared that we only sought an apology for seizing on Florida. The present state of the negotiation has just brought those Courts to the acknowledgment (a proud one for us) that we sought only peace and a fair settlement.

But, if we pass these resolutions, we suddenly relinquish this high ground, and assume the station of our adversary. For fourteen years we have been urgent, Spain reluctant; we have pressed, Spain has receded; but now, when there is an indication of peace, we suddenly change sides—Spain presses, and we recede. We thereby defeat all our declarations of anxiety for peace; we charge as unequal the terms which for several months have been regarded as the terms of peace, and which have been sanctioned by all the authorities of the Government. This course would present the American Government in a point of view wholly different from the one in which her conduct throughout the negotiation had placed her. It would manifest a variability of public counsel—an instability of decision—in no way calculated to maintain our character among foreign nations, or among our own citizens. Such a political fickleness would create at home and abroad a distrust of the permanence of all our public measures. It must be borne in mind, too, that this House has approved the treaty in the most solemn manner in which it can act—by the passage of a law. A bill was introduced and passed for the purpose of executing the treaty, in all those parts which were susceptible of immediate execution, and for establishing a provisional government in Florida. It has been said that this bill passed without discussion. This was true, only because there was no objection or dissent. The forms of our Government do not admit any further ratification than this treaty has received. It received the approbation of that department to which such duties are, in the first instance, assigned. The House of Representatives then originated and the Congress passed a law for carrying it into effect. He did not contend, for a moment, that the treaty was now binding on us—the King of Spain having failed to ratify it within the time prescribed. But, Mr. A. said, he could not consent so soon to contradict the formal declarations which we have made to the world, and now declare to our own citizens that we have ratified a treaty which was not only unequal, but unconstitutional. He would leave to the President and Senate the further negotiation of the subject; and, whether any recent circumstances had occurred, which would induce them to reject those terms of settlement to which they had lately assented, he would submit to them, and let rest on their responsibility the duty of making such an adjustment as our rights demanded.

Mr. A. saw nothing in the whole course of this

transaction which called on us for our interference. He did not think that the circumstance of the President and Senate having made one treaty, which we did approve, gave any evidence that they would now make one which we did not.

He would now proceed to consider the resolution presented by the Speaker, in reference to its application, without attending closely to the phraseology. In its operation, it contained a denial of the right of the treaty-making power to declare the Sabine river as the western limit of Louisiana. Although, in form, the first member of the resolution purported to be a declaration that the President and Senate could not cede any of the territory of the United States, still its meaning is so far explained by the second resolution and the speech of the Speaker, that it was fair to consider it in its operation, and not in its abstract form. This view of the subject would save him from a most laborious discussion, which an examination of the question of ceding territory belonging to the United States would involve. Whether the power to acquire territory does include a power to cede? Whether territory be as much under the regulation of treaties as other property? Whether there be any limitation of the treaty-making power, in relation to territory, produced by any special exception in the Constitution; and, indeed, what are the limitations to this power? are, singly, questions of great magnitude; some of which will probably produce much unpleasant contention before they are finally settled. He was, however, happy to think that the present case required no such discussion. It was sufficient for him to show that the treaty, as concluded, was within the powers of the department which made it, without indulging in any speculations on the construction of the Constitution on other controverted points. His single aim, then, was to show that the President and Senate might safely declare, in a treaty of limits, that the disputed province of Texas was not included within the possessions of the United States, without at all assuming the power to cede any of the public territory.

To present the proposition, with distinctness, to the Committee, it may be stated that there are three situations, in one of which the province of Texas must be placed:

- 1st. It may belong to Spain certainly;
- 2d. Or to us;
- 3d. Or it may be disputed territory.

In the first mentioned state of the case, there could be no difficulty; there could be none in recognising that which previously existed. That supposition, then, will be no farther pursued. The second case, then, produces the difficulty, and is the only one on which the resolutions can be maintained. There is no pretence for sustaining the resolutions until it is first shown that Texas belongs to us; but no attempt has been made to prove it. The very ground on which the demand of gentlemen for our votes must be supported has not been touched. The debate has assumed, as a fact, that which the Spaniards have never conceded, and which, in fourteen years of negotiation, we have never been able to determine. It has assumed, as a fact, that which we may all believe, but which,

APRIL, 1820.

The Spanish Treaty.

H. OF R.

inasmuch as there is no standard between nations to measure the respective rights of each, must be uncertain, so long as both parties assert their claims. Probably no American has ever read the long discussions on this subject, which have been conducted by the secretaries of the two countries; without an ardent wish to find proofs to sustain the claims of his country to the farthest boundaries contended for; and very few of us have ever read without finding that for which we all looked. But these reasons are of no avail, so long as there is no common tribunal to enforce them. Mr. A. said, then, that he should not go into the ultimate question of the right, which he considered utterly useless to him who held the negative of the proposition before the House, but should attempt to show that the country referred to was in the third class; or was disputed territory. And there is certainly nothing which falls more aptly within the power to form treaties than the settlement of the limits of disputed or undefined territory.

The history of the transaction shows, that the ownership of this province has never ceased to be a question. That there never has been a moment of time, since the original purchase of Louisiana, at which our claims were admitted by the other contracting party. There are three facts, which alone must assign this country to that class, in which he had placed it.

Spain has never agreed that it belonged to us.

We have never had possession.

The President of the United States approved the arrangements made by the American officers with the Spanish commandant, in 1806, by which the Spaniard was to retire with his forces beyond the Sabine; and neither party was to molest the other on their respective banks. This arrangement was made by the military officer for a temporary purpose, but was acquiesced in by Mr. Jefferson, as appears by his Message at the succeeding session, has never been violated, and has, to every purpose, been heretofore the western limit of our purchase. It would be difficult to devise any circumstances which would more certainly affix on this country the character of a "disputed territory;" there is no trait of such a character absent. After volumes have been written by the agents of the Governments, to maintain their respective rights, it would now indeed be extraordinary to declare that its ownership was not a subject of negotiation; for, if the final settlement is not within the power of the department which has acted on it, the previous negotiation has been idle.

We hold the deed of cession, which we declare, grants the country to us; while Spain holds the country and denies that the deed embraces it. When it is remembered, that between nations there is no common arbiter, by which the rights of each can be ascertained, our claims will, in the eyes of the world, be considered equal, unless, indeed, the possession of our adversary should create in his behalf a presumption against us. Our own convictions that the country is within Louisiana can have no effect; as there is no test by which it can be demonstrated. An American statesman may rise and declare, that "Texas belongs to us; I

know it; I can prove it;" but it is a vain declaration;—of what avail can it be, when the Spaniard, standing on the land, says "it is mine: I hold it, and there is no judge between us?" It is a matter not susceptible of demonstration; and there is no tribunal to which either is bound to submit. The result certainly is, that the western limit of Louisiana has ever been so uncertain, that its adjustment is clearly within the power which has acted on it. It seems to have been admitted, that, where the extent of a purchase of territory was undefined, the President and Senate could, by treaty, define its boundaries. Nothing can be more plain, than that the same power which can acquire territory, can define the extent of the acquisition; or, in other words, declare how much it did purchase.

There is nothing which can, under the distribution of powers in our Constitution, be more certainly assigned to the President and Senate, than the settlement of disputed boundaries. Probably, there is no single subject on which so many treaties have been made. None which is more peculiarly the attribute of the department to which belongs the peace-making power. From the very great extent of our territory, and the undefined state of its limits, on several sides, this power must be frequently called into exercise. Its frequent operation on the settlement of differences of this kind, must have been contemplated by the convention; and it could never have been intended, that, in a general grant of the power, it should be construed not to apply to cases, which had been invariably, in all countries, the subjects of its operation. In the short course of our history, treaties have been made, in which boundaries theretofore uncertain, have been fixed; and territory before uncertain as to its ownership, has been declared to belong to us, or, to the other contracting party, as it should fall on the one or the other side of the designated line.

It has been contended, although the Senate might Constitutionally declare the boundaries of a territory till then uncertain, that in the present case there was a cession of territory. A little examination of the subject will show that this treaty was, like all others, made for the purpose of settling limits.

The usual mode of settling disputed boundaries, is by appointing, in the treaty, commissioners for the purpose of ascertaining and settling the lines left uncertain in some previous treaty; this was the mode prescribed by the Treaty of Ghent. But it is perfectly plain that the two contracting parties might, without the intervention of commissioners, have declared what were the limits of the territory. The substitution of commissioners is used as a matter of convenience only. In the present case, they might have been appointed to ascertain what were the true boundaries of Louisiana; but it is equally certain, that the parties may themselves decide and declare the limits. If these agents had been appointed, and had agreed upon the same line which the late treaty contemplates, there would then have been no doubt of the power of the Senate to ratify the decision. Can there be any more doubt of the power of the Senate to de-

clare that the Sabine is the true line, without any reference to commissioners? Whenever a country is granted by name, as was the case in the instance of Louisiana, if there be any misunderstanding as to its extent, the exercise of the power of defining limits is indispensable. Are the President and Senate to be restrained from declaring that our claim does not extend to a certain part of the territory, because others may think that it does? By whose opinion shall we abide? Shall we submit to his judgment who says that we own the land to the Colorado, and cannot give it up? or to his, who only claims to the Trinity, and admits that there is no harm in declaring that the balance belongs to Spain? Mr. Chairman, there is but one safe guide. The power which acquired the country must declare the extent of the acquisition.

The language of the treaty has been referred to, for the purpose of showing that a cession of territory was in the contemplation of the negotiators. Mr. A. said, that he considered the treaty as he should consider any other written instrument, by its legal operation. He thought that the word "cede," was improperly used; but it was an impropriety only in phrase. The intention of the clause was, clearly, a designation of boundary only. If the result was within the Constitutional powers of the President and Senate, it would be unnecessary cavilling to censure the language in which the exercise of that power was expressed.

Mr. A. said that the Treaty of Ghent offered a very strong case in illustration of the idea which he had endeavored to present to the Committee in the course of his observations. The doctrine which prevailed in that negotiation, and which has been sanctioned by every department of our Government, establishes the position that territory, which has been in our possession, and formed a part of a State, may, by circumstances, so far become disputed territory, as to be placed under the control of the treaty-making power. Certain islands in the Bay of Passamaquoddy, which had been in our possession since the treaty of peace in 1783, and formed a part of the State of Massachusetts, were, by the fortune of the late war, thrown into the hands of the enemy. At the making of the treaty in 1814, the British Commissioners, in behalf of their Government, set up a claim to those islands, which they asserted had belonged to them during the whole time that we had possessed them. This claim, so stale, was still considered as of sufficient importance to form the subject of a separate stipulation, and commissioners were appointed "to decide upon the said claims, according to such evidence as should be laid before them on the part of His Britannic Majesty and the United States, respectively." Here, then, is a case in which territory, for more than thirty years in our possession, has become the subject of negotiation. No one can for a moment doubt, that our plenipotentiaries might, if they had considered themselves sufficiently acquainted with the subject, have declared where the line should be, or, in other words, to whom the islands did belong, without substituting commissioners to ascertain it. The slightest consideration will show, that, in every point of

view, Texas has many more features of a disputed country than those islands had.

The late convention concluded at London in 1818, shows that on the subject of wild and undefined boundaries, even a liberal construction has been indulged, for the purposes of promoting tranquillity in the settlement of conflicting claims. In the treaty of peace of 1783, it was declared that the northwestern boundary of the United States should be a line drawn "from the most northwestern point of the Lake of the Woods, on a due west course, to the river Mississippi." In the late convention, that line is rejected, and it is agreed that a line from the same point on the Lake, along the 49th degree of north latitude, shall be the northern boundary of the United States, from the Lake of the Woods to the Stony Mountains. Under this regulation, it is very uncertain, on account of our imperfect knowledge of the country, whether we shall gain or lose by the change; but it is very certain, that the ancient limit is changed. In the case now under debate, we do not contend for a power to change the boundaries, but merely to declare what those boundaries are.

But do gentlemen see with clearness the consequence to which a doctrine would lead, which should deny to the President and Senate the power of determining by treaty, that Texas or any other controverted territory, to which we had a claim, but never had possession, did not belong to us? What tribunal would they propose, to settle the controversy? If they reject the one which we propose, there is no other test but the sword. The result would be, that, in every case of disputed lines, unless our neighbour would unconditionally relinquish to the full extent of our claims, our pretensions must be asserted by war; and that war could not be abandoned, however disastrous it might be, until we had completely succeeded. No treaty could be sooner made, because it would cede a part of our territory. And in the case of Texas, how long should we fight for it? Until the House of Representatives shall be of opinion that it does not belong to us? The very moment, in which you take from the Senate the power of determining the right to the property, you are on the ocean without a pilot. The opinion of each individual in the community is entitled to equal weight in this consideration. To the man who thinks that the country is ours, a treaty involving a relinquishment of it will be unconstitutional, while to him who is of a different opinion, it will be valid and without objection. The mischiefs of that construction, which must be to substitute the sword for the Senate, could not be obviated by the arbitration of any foreign or disinterested Power. This would be entirely inadmissible, as the President and Senate could not refer to others a decision on a point, which they themselves had no authority to decide.

Mr. A. said he wished it understood, that he applied his arguments only to a country situated like Texas; a country which was really in dispute, one to which we had a claim, but which we had never possessed.

Mr. RHEA observed, that two resolutions had

APRIL, 1820.

The Spanish Treaty.

H. OF R.

been submitted, and were under consideration, to wit:

“*Resolved*, That the Constitution of the United States vests in Congress the power to dispose of the territory belonging to them, and that no treaty purporting to alienate any portion thereof is valid, without the concurrence of Congress.”

This resolution seems to contain several propositions, viz: that the Constitution of the United States vests in Congress the power to dispose of the territory belonging to them; that no treaty purporting to alienate any portion thereof is valid without the concurrence of Congress; that a treaty purporting to alienate any portion thereof is valid with the concurrence of Congress. A treaty being a compact with some foreign Power, another proposition presents itself, viz., that the Constitution of the United States vests in Congress the power to alienate, by treaty, to any foreign Power, any portion of their territory.

It appears as if the first resolution endeavors to bottom itself on the second clause of the third section of the fourth article of the Constitution. That clause declares that “Congress shall have power ‘to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.’”

It will be observed, that the word treaty is not used in this clause, in relation to the disposing of the territory belonging to the United States; and, inasmuch as territories are not disposed of or transferred by any power to a foreign Power, otherwise than by treaty, except in cases of conquest, it follows that the first part of that clause of the third section only empowers Congress to dispose of and make all needful rules and regulations for surveying and dividing into such portions as shall have been judged proper for the disposition and sale, to the people of these United States, for cultivation and habitation, the territory of the United States, and for the government thereof, in territorial form, and no more. That clause of the Constitution cannot, by any forced interpretation, be so construed as to empower Congress to alienate, by treaty, to any foreign Power, any part or portion of the territory belonging to the United States; and this is evident by the last part of that clause, which declares, “and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.” It is to be regretted that that sentence in the second clause of the third section of the fourth article of the Constitution has not been made a separate and distinct article; by having been made a separate and distinct article, it would have been more conspicuous; controlling and prohibiting every attempt to dispose of and make rules and regulations, under the pretension of being needful, respecting the territory or other property belonging to the United States, to the prejudice of any claims of the United States; that is, of the people of the United States, or to the prejudice of any claims of

any particular State; that is, of the people of any State, either generally or individually.

The power vested in Congress by that second clause of the third section, “to dispose of and ‘make all needful rules and regulations respecting the territory or other property belonging to the United States,’” is, notwithstanding the generality of the terms expressing that power, restrained and limited, not only by the verb *dispose*, which signifies to divide, or to set apart separately, but also conclusively, by the last sentence in that clause, declaring, “and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State;” and therefore is of an internal and economical nature only, and not in any manner empowering Congress to alienate, by treaty, to any foreign Power, any portion of the territory belonging to the United States.

The first proposition in the first resolution may, in respect to the object of that resolution, be considered as relating to territory absolutely and definitely belonging to the United States, and this seems to be the principle assumed in the first resolution. If, then, it be correct that territory does absolutely and definitely belong to the United States, I do not admit, said Mr. R., that the Constitution of the United States vests in Congress power to alienate, by treaty, to any foreign Power, any portion of that territory.

To alienate, by treaty, to any foreign Power, territory absolutely and definitely belonging, pursuant to the Constitution, to any particular State of the United States, will prejudice the claims of that State, and is, therefore, prohibited by the second clause of the third section of the fourth article of the Constitution. To alienate, by treaty, to any foreign Power, territory absolutely and definitely belonging to the United States, will prejudice the claims of the United States, and is, therefore, prohibited by the second clause of the third section of the fourth article of the Constitution. Hence, it is concluded that the Constitution of the United States does not vest in Congress any power to alienate by treaty, to any foreign Power, territory absolutely and definitely belonging, pursuant to the Constitution, to any particular State of these United States; and that the Constitution of the United States does not vest in Congress any power to alienate, by treaty, to any foreign Power, territory absolutely and definitely belonging to the United States, or that has been, or may be incorporated into this Union. The Constitution of the United States does vest in Congress power to dispose of, and make all needful rules and regulations respecting, the territory or other property belonging to the United States in the District of Columbia; but the Constitution of the United States does not vest in Congress any power to alienate, by treaty, to any foreign Power, any part or portion of the territory or other property, belonging to the United States in the District of Columbia. The Constitution of the United States does vest in Congress the power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the

H. of R.

The Spanish Treaty.

APRIL, 1820.

United States in the State of Louisiana, and in the territories of Missouri, and Arkansas, and Michigan; but the Constitution does not vest in Congress any power to alienate, by treaty, to any foreign Power, any portion of the territory or other property belonging to the United States in the State of Louisiana, or in the territories of Missouri, Arkansas, or Michigan. All these are, with the other States of these United States, incorporated into this Union. If the Constitution of the United States vests in Congress the power to alienate, by treaty, to any foreign Power, territory belonging to the United States, the Constitution does then vest in Congress power to alienate, by treaty, to any foreign Power, the territories of Arkansas and Missouri, and the State of Louisiana, or any other State or territory of these United States, notwithstanding they all are incorporated into this Union. That the Constitution does vest in Congress that power, cannot be admitted; and if it be contended that the Constitution does vest in Congress that power, let it be manifested, if it can.

Believing that the Constitution of the United States does not vest in Congress power to alienate, by treaty, to any foreign Power, the territory, or any portion thereof, belonging to the United States, or that has been incorporated into this Union, I am, said Mr. R., prepared to vote on the first resolution.

Second resolution. "*Resolved*, That the equivalent proposed to be given by Spain to the United States, in the treaty concluded between them, on the 22d day of February, 1819, for that part of Louisiana lying west of the Sabine, was inadequate; and that it would be inexpedient to make a transfer thereof to any foreign Power, or to renew the aforesaid treaty."

In considering this resolution, a question presents itself, that is to say—what is the extent of the territory lying west of the Sabine, which, being part of Louisiana, does absolutely and definitively belong to the United States? Let the limits and boundaries of Louisiana, alienated and transferred to the United States by France, by the Treaty of Paris of April, 1803, be expressly and absolutely ascertained, determined, and defined, and then it will be to be manifested that the Constitution of the United States does vest in Congress power to alienate, by treaty, to any foreign Power, any portion of Louisiana, alienated by France to the United States, and determined and defined, absolutely and definitively, to belong to the United States. The Constitutional prohibition will then attach to Louisiana, so limited, defined, and determined to belong to the United States, and will prohibit Congress to alienate any portion thereof, by treaty, to any foreign Power. In that case, it will be more than inexpedient to alienate, by treaty, to any foreign Power, any portion of Louisiana belonging to the United States; it will be unconstitutional.

The territory alluded to, lying west of the Sabine, is presumed to be the province or territory of Texas. If, then, the province of Texas be a part of Louisiana, and does absolutely and definitively

belong to the United States, in virtue of the Treaty of Paris, of April, 1803, the Constitution of the United States does not vest in Congress any power to alienate, by treaty, to any foreign Power, the territory or province of Texas, or any portion thereof. Spain has not ratified the late treaty within the time limited for that purpose. If, for that reason, that treaty be of no effect, the claim and right of the United States, whatever it was, by the Treaty of Paris, to the territory or province of Texas, remains as it was; and the claim and right of Spain, whatever it was, to the province or territory of Texas, remains as it was. There appear to be, if the late treaty with Spain be of no effect, two claims, one of the United States, the other of Spain, for the territory, that is, the territory or province of Texas lying west of the Sabine. How is this diversity of claim to be adjusted and determined? Will it be by an amicable adjustment of limits made by the parties interested; or will it be by war? In respect to obtaining the territory or province of Texas by war, it is not necessary to speak at this time, inasmuch as that subject is not now directly under consideration.

Equality or inequality of an equivalent is known when such party previously knows that which actually and absolutely does belong to him. They who made the late treaty between the United States and Spain, are presumed to have understood the claims of each party to the vast territory through which the line described in that treaty does run from a point in the ocean at the mouth of the Sabine, to the Pacific ocean, in latitude forty-two degrees north. That line is presumed to have been the result of an amicable settlement of the adverse claims of the parties in relation to boundary and limits of territory. By that settlement, the right of the United States to a very large extent of territory, including the mouth of the Columbia river, that the province of Louisiana is not said to have included, was acknowledged by Spain, and the boundaries and limits of the United States on the south and west were determined and defined, as provided for in that treaty.

Mr. R. observed that the Constitution of the United States does confide the treaty-making power to the President, by and with the advice and consent of the Senate; that the safety, happiness, peace, and welfare, of these United States, require, that the boundaries and limits of all their territory, on every side, shall be determined and defined, to the end that hostility and war, by reason of contested and disputed territory, with any foreign Power, may be prevented. To the end, therefore, that limits and boundaries between the territory of the United States and the territory of Spain, in America, may be determined and defined, so that peace between the United States and Spain may be preserved, it is expedient that the treaty-making power of the United States do so act in respect to the said late treaty that the rights of the United States shall be retained, and peace with Spain be preserved. If all negotiation with Spain will fail, the Constitutional power of the United States, on being informed thereof, will direct the course to be pursued. If they to whom the Con-

APRIL, 1820.

Remission of Duties.

H. of R.

stitution had confided the treaty-making power will make a treaty, and that treaty shall be presented to the House of Representatives, during the time he had the honor of being a Representative, he trusted that he would be prepared to give a Constitutional vote thereon.

The great and wise men of the Convention in which General Washington presided, who formed the Constitution of these United States, do not appear to have contemplated any alienation of territory belonging to the United States to any foreign Power, by treaty or otherwise. They do not appear to have had any idea of vesting in Congress power to make an alienation of territory belonging to the United States to any foreign Power. They did not propose any Constitutional provision for such purpose to the several States. That Convention formed a Constitution for the government of an extensive and powerful confederacy of sovereign and independent States; and the people of these United States have, by adoption, made it their own. This Constitution provides that Congress may admit new States into this Union, and therefore contemplates an honorable extension of territory. This Constitution provides for the augmentation and enlargement of this nation, but not for the diminution of this nation, nor of the territory absolutely and definitively belonging to the United States. The whole extent of territory included within the defined boundaries and limits of the United States and their territories, and incorporated into this Union, or absolutely and definitively belonging to the United States, is the property and domain of the sovereign people of this Union—an indefeasible inheritance in allodial sovereignty to them and their posterity forever.

These opinions, said Mr. R., have, after mature and deliberate consideration of the Constitution of the United States, impressed themselves on my mind, and I believe them to be correct; and unless reason, stronger and more cogent than any heretofore known to me presents itself, I will continue to hold them; not only because I believe them to be correct, but because they do comport with the increasing greatness, the comprehensive extension, the dignity, and augmenting power of this nation.

Mr. BRUSH spoke at considerable length in opposition to the resolutions.

Mr. CLAY replied to those who had opposed the resolves moved by him.

Mr. RHEA rejoined.

After which the Committee rose.

Previously to the rising of the Committee, Mr. CLAY submitted the following resolves, with an intimation that, should the business of the House permit, he should call them up at a future day:

Resolved, That it is expedient to provide by law a suitable outfit and salary for such Minister or Ministers as the President, by and with the advice and consent of the Senate, may send to any of the Governments of South America which have established and are maintaining their independence on Spain.

Resolved, That provision ought to be made for requesting of the President of the United States to cause to be presented to the General the most worthy and distinguished, in his opinion, in the service of any of

the independent Governments of South America, the sword which was given by the Viceroy of Lima to Captain Biddle, of the Ontario, during his late cruise in the Pacific, and which is now in the office of the Department of State, with the expression of the wish of the Congress of the United States that it may be employed in the support and preservation of the liberties and independence of his country.

The House adjourned at 5 o'clock.

WEDNESDAY, April 5.

Mr. NEWTON, from the Committee of Commerce, reported a bill to amend an act, entitled "An act enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same;" which was read twice, and committed to a Committee of the Whole.

On motion of Mr. WOODBRIDGE, the Committee on the Public Lands were directed to inquire into the expediency of providing by law for annexing the lands, of which the Indian title has been recently extinguished by the Treaty of Saguna, to the district of Detroit, in the Territory of Michigan, in order that the same may be brought into market.

A message from the Senate informed the House that the Senate have passed bills of this House of the following titles, to wit: "An act making further appropriations of money for continuing the work upon the centre building of the Capitol, and other public buildings;" and "An act making appropriations for the support of Government for the year 1820," with amendments to each, in which they ask the concurrence of this House.

The amendments of the Senate to the civil appropriation bill, and the amendment to the bill making appropriations for continuing the public buildings, were read, and the first committed to the Committee of Ways and Means, and the latter to a Committee of the Whole.

On motion of Mr. MORTON, it was

Resolved, That a committee be appointed to inquire into the expediency of providing by law for an earlier commencement of the next session of Congress than the stated period, with leave to report by bill or otherwise.

This motion was opposed by Mr. BALDWIN and supported by the mover, and the House divided on it—the majority in favor of it being about 20 votes.

The House then proceeded to the consideration of the resolution submitted some days ago by Mr. SAWYER, for appointing a committee to inquire into the expediency of abolishing certain offices of the customs; and the same being so modified as to refer the inquiry to the Committee of Commerce, was agreed to.

REMISSION OF DUTIES.

The House then proceeded to the bill for the relief of certain persons who have paid duties on goods imported into Castine, and the amendments reported thereto by the Committee of Ways and Means were agreed to.

Mr. COCKE moved further to amend the bill, by adding the following proviso:

"*Provided, also*, That it shall appear that the duties paid by said claimants to the United States were not reimbursed on the sale of said merchandise."

This motion was negatived.

A motion was made by Mr. COCKE that the bill be postponed indefinitely; and the question thereon was decided in the negative—yeas 56, nays 94, as follows:

YEAS—Messrs. Alexander, Allen of Tennessee, Baker, Boden, Bryan, Burwell, Campbell, Cannon, Case, Clagett, Cobb, Cocke, Cuthbert, Earle, Edwards of Connecticut, Edwards of North Carolina, Ervin, Floyd, Forrest, Gross of Pennsylvania, Hall of North Carolina, Hardin, Hooks, Hostetter, Jones of Tennessee, Kinsey, Linn, McCoy, Marchand, R. Moore, Monell, Murray, Overstreet, Parker of Virginia, Patterson, Phelps, Philson, Rankin, Rhea, Richards, Richmond, Rogers, Ross, Russ, B. Smith of Virginia, Smith of North Carolina, Southard, Strong of Vermont, Strother, Swearingen, Tarr, Tompkins, Tucker of Virginia, Tucker of South Carolina, Wendover, and Williams of North Carolina—56.

NAYS—Messrs. Abbot, Adams, Allen of Massachusetts, Anderson, Archer of Maryland, Archer of Virginia, Baldwin, Ball, Barbour, Bateman, Bayly, Beecher, Bloomfield, Brown, Brush, Buffum, Burton, Butler of New Hampshire, Crafts, Crawford, Crowell, Culbreth, Culpeper, Cushman, Darlington, Dewitt, Dickinson, Dowse, Eddy, Edwards of Pennsylvania, Fay, Fisher, Folger, Foot, Ford, Fuller, Fullerton, Garnett, Gross of New York, Hall of New York, Hall of Delaware, Hemphill, Hendricks, Herricks, Hibshman, Hill, Holmes, Jones of Virginia, Kendall, Kinsley, Lathrop, Lincoln, Livermore, Lowndes, Lyman, Maclay, McCreary, McLean of Kentucky, Mason, Meech, Meigs, Metcalf, S. Moore, Morton, Moseley, Neale, Nelson of Virginia, Parker of Massachusetts, Pitcher, Plumer, Quarles, Rich, Robertson, Sampson, Sawyer, Sergeant, Settle, Shaw, Silsbee, Sloan, Smith of Maryland, A. Smyth of Virginia, Storrs, Street, Strong of New York, Taylor, Tomlinson, Tracy, Tyler, Van Rensselaer, Wallace, Warfield, Whitman, and Wood—94.

The bill was then ordered to be read a third time, as amended in this House, by the introduction of the names of the several claimants, and the addition of a proviso that, before the act takes effect for their benefit, they shall satisfy the Secretary of the Treasury that they were residents of Castine or Bucksport, or purchasers or consignees, from residents, of the goods on which duties have been imposed.

MILITARY APPROPRIATIONS.

The House then resolved itself into a Committee of the Whole on the amendments of the Senate to the annual Military Appropriation bill.

[There are two amendments: the first increasing the appropriation for clothing from three hundred thousand to four hundred and thirty thousand dollars; and the second increasing that for the Quartermaster General's department, from four hundred and fifty-thousand to five hundred thousand dollars.]

Mr. SMITH, the chairman of the Committee of Ways and Means, moved to disagree to the first amendment, and assigned reasons to show why it was not necessary, on account of the quantity of clothing at present on hand.

Mr. STROTHER opposed the motion, on the ground that those charged with the responsibility for the due management of the Army, were the best judges of what was necessary for it; and, they having recommended the amount of appropriation proposed by the Senate, he was in favor of granting it.

The question on Mr. SMITH's motion was decided in the affirmative, and the first amendment was therefore disagreed to.

Mr. SMITH then, under the instructions of the Committee of Ways and Means, moved that the second amendment be disagreed to; declaring, at the same time, that he differed on this question from the committee, being of opinion that the amendment ought to be agreed to.

Mr. STORRS supported the motion, as well on the score of its expediency, as on the ground of resisting the interposition of the Senate in what he considered the peculiar province of this House in two points: first, as it regards the amount of appropriations to be made, and, secondly, as regards the object of this appropriation, being for military purposes. He declared, in the course of his remarks, that, on an appropriation bill for the support of the army, originating in the House of Representatives, on which the House had, after full discussion, deliberately refused an extraordinary appropriation for an object which they deemed it inexpedient to prosecute, they should be extremely tenacious of their opinion; and, as the immediate Representatives of the nation, maintain their control of the military forces of the nation, as to all extraordinary objects, by adhering scrupulously to the exercise of their prerogative, as a constituent branch of the Legislature, in determining the amount of public moneys which should be applied to the support of the Military Establishment.

Mr. LINCOLN delivered his sentiments at large against the prosecution of the Missouri expedition, which it was the object of the Senate, he presumed, to authorize by this appropriation. He considered it as calculated to provoke war, and ultimately to hasten the extermination of the Indian tribes.

Mr. ERVIN spoke in support of the expedition, on the ground of its own merit; on that of the sanction given to it by previous votes of this House; of its correspondence with the policy of this Government, in respect to Indian trade and intercourse; and of a due regard to our relations with foreign Powers.

Mr. COBB made a few remarks against the amendment of the Senate.

Mr. FISHER said, on the present occasion, he should have observed his usual course, that of listening and voting in silence, but for the circumstance of having changed his views on this subject since it was last before the House. He was then of opinion that the expedition ought to stop at the Council Bluffs. He thought now that the interest of the country required that it should proceed to the Mandan Villages. Mr. F. said that he would briefly state some of his reasons for the opinion which he now entertained. In speaking of

APRIL, 1820.

Military Appropriations.

H. OF R.

the Yellow Stone Expedition, as it is called, the first inquiry that presents itself to the mind is—what is the object of this expedition? This question has been fully answered by the Secretary of War, in his letter of the 29th December, communicated to this House. He says: “The expedition is part of a system of measures which has for its objects the protection of our Northwestern frontier, and the greater extension of our fur trade.” These being the objects, said Mr. F., the next inquiry is, are these objects of sufficient importance to justify an expedition of this kind, and to this extent? He thought they were. As to the first object, no one would deny that it was the duty of the Government to afford protection to the frontier. The only question, then, that could arise on this part of the subject was, whether this is the best way to furnish that protection? He thought it would so appear in the course of the remarks he was about to make on the other object proposed—the extension of the Indian trade.

Sir, said Mr. F., the Indian trade is important to us in the same respects in which it has been valuable to the British Government. 1st. As a means of controlling the Indians. 2d. The profits of it. That the British Government set great value on this trade may be proven from many circumstances. It has always received her particular fostering care. Of such high importance did she esteem it, as to make it the subject of serious negotiations in her treaties. In the treaty of 1794, called Jay’s Treaty, among other advantages surrendered to Great Britain as equivalents for advantages gained, was the right of trading with the Indians within the limits of our territory.* This right, thus acquired, she took care to exercise to the greatest extent, even to the present time, though the right itself expired with the commencement of hostilities in 1812. It has always been a leading feature in the Canadian policy to encourage this trade with the Indians, and maintain an influence over them. Hence talks were periodically held, and presents annually distributed among the Indians.† Presents were sometimes, too, received from the Indians. Mr. F. remembered reading an account of a very rare present, some years ago, from the chief of one of our Northern tribes to the royal Governor of Canada. It consisted of eighty or one hundred human scalps, nicely dried and hooped, torn from the heads of men, women, and children, in the war in which Harmer and St. Clair were defeated. Sir, the Indians have been induced every year to visit Malden and other posts in Canada. From these

places they always return laden with presents, and with their minds poisoned against our people. In the year 1815, we are told, that between three and four thousand of them, from our Northern tribes, visited Malden and Drummond’s Island alone; and, at these two places, upwards of ninety-five thousand dollars, in presents, were distributed among them. Not a year has passed since 1794 but presents have been given to these savages greater in amount than the sum asked for the prosecution of this expedition, and this course of policy has given to the British Government complete control over the numerous tribes of warlike savages that swarm in our Northern forests. How this influence has been exercised the bloody pages of our history will tell. Sir, every Indian war that has harassed our frontiers, from the Revolution down to the present time, was brought upon us by this influence. Who, that is at all conversant with British history but remembers even the debates in Parliament upon the policy of employing the Indians against us, when a few with souls above the rest, in strains of indignant eloquence, denounced the practice as cruel, inhuman, and diabolical.* Sir, was it not said to be the same kind of influence that brought on the war which was terminated by General Wayne? Was it not the like influence that turned the savages loose upon our defenceless frontiers in 1811? Is it not known that, at the battle of Tippecanoe were found, in the hands of the Indians, English rifles, English tomahawks, and scalping-knives? And ammunition was supplied from the same source. All this took place before hostilities commenced with Great Britain in 1812.

This, said Mr. F, is not all. This same influence brought on the Creek war in the South;‡ the first spark of that war was kindled by the breath of the prophet from the North; the first blood spilt was by the hands of a few stragglers, returning from the North, where they had caught the spirit of hostility. If we go back, even beyond the Revolution, we will find that the same kind of influence, though in different hands, always moved the Indians in their wars against us. The war in which Braddock fell, and Washington rose—the war in which Putnam suffered, were produced by the same means. Now, sir, count the expenses of these wars; estimate the cost of the last one we had, and it will exceed by twenty-fold the cost of the expeditions in question. And, sir, will you make no effort to destroy an influence so prolific in wars, in bloodshed, and destruction? Justice demands it; humanity calls for it; and true econ-

* The right of trade with the Indians was first guaranteed to each other by the English and French, in the Treaty of Utrecht, as early as the year 1713. The Northwest Company was established in the year 1793.

† Mackenzie says: “St. Joseph’s Island is a place of no trade, and the Indians visit there only to receive the presents which Government allows them. That the Americans pay very little attention to the Indians; but that the British commanders, in the name of their father, distribute presents among them.

* The Earl of Chatham, in 1777, speaking of the Ministers, said, “They have let the savages of America loose upon their innocent unoffending brethren; loose upon the weak, the aged, and defenceless; on old men, women, and children; on the very babes upon the breast, to be cut, mangled, sacrificed, broiled, roasted; nay, to be literally eat. These, my lord, are the allies Great Britain now has!”

‡ Lord Tonyn, when Governor of East Florida, in a proclamation, offered a reward for every American scalp delivered to persons appointed to receive them.

H. of R.

Military Appropriations.

APRIL, 1820.

omy dictates it. Sir, it is a matter of no surprise that the British Government should strive to retain this influence; it has been of too much consequence to them to let it pass out of their hands without a struggle. Hence the stand that was made at Ghent upon this subject. In that negotiation, they asked not merely for a renewal of the right to trade with the Indians in the manner formerly acquired by Jay's Treaty. No; that would have left the power of future control in our hands; but, by fixing a boundary between us and the Indians, their influence over the savages would have been complete in their hands; and we know how it has been exercised. But, sir, the scheme at Ghent failed; the Indian trade within our limits was lost to the British; and, sir, the object of this expedition is to destroy their influence too, and thereby afford the best protection to our frontiers. The necessity of this measure was seen and felt during the last war, by the Government, and by our suffering settlements. The Fourteenth Congress saw it, and acted upon it; they passed an act, 29th April, 1816, regulating the trade with the Indians, by the last section of which the President was authorized to use the military forces of the nation to execute the law. This law contains the policy of this expedition—it is a wise policy, and, I hope, will prove a successful one.

But gentlemen may ask, how is it to be executed? Sir, by driving out the British traders, now scattered over the territory within our limits, and keeping them out by a chain of posts. Their most valuable trade is within our line; the richest and rarest furs on this continent, it is said, are produced and taken on the head waters of the Missouri. This is confirmed by Lewis and Clarke. Several of the trading establishments of the Hudson Bay Company are south of the 49th parallel of latitude. Drive out these traders, and turn the trade into our own hands. This will at once give us the control of the Indians; for whoever has their trade holds the cord that binds them. Trade is every thing to them. "Withhold their trade," said Colonel Atkinson, in his letter to the Secretary of War, "and you bring them to any terms. Afford it, and you make them do any thing." But, gentlemen may say, trade is a civil pursuit; why use the military? Sir, not only to be able to drive out the persons just alluded to, but also to make a display of our power to the savages. It cannot be denied but the policy of the British has been to make the Indians believe that they are the great Power, and that we are a poor and feeble set of people. In this these tribes should be undeceived. We should show them that we too have forts, soldiers, and big guns: then they will fear us and respect us. Again, the military is necessary to expel another class of traders; a vagabond and abandoned set of men, from Canada and the United States, called private traders.

It is the conduct of these wretches that impresses the Indians with mistaken ideas of our people: they abuse each other, cheat the Indians, and foment quarrels. This class of men are well described in a very sensible letter from Major Thomas Biddle to Colonel Atkinson, (from which Mr.

F. read several extracts.) These wretches must be driven out from among the Indians, and the trade confined to honest and fair dealers. There are still other important objects that may be accomplished by these expeditions up the Missouri and Mississippi rivers. Some of them are stated in the report of the Secretary of War on the subject. The opposers of this expedition have laughed at these, as wild and chimerical. For his part, Mr. F. said, he saw nothing in them impracticable.

Sir, it is in this way you are to protect your frontiers, by annihilating the very causes that hitherto produced the Indian wars; and if by accident an Indian war does come upon us, they will not be able to injure us as much as formerly; for where will they get supplies of arms and ammunition? Their trade with Canada is cut off, and we will hardly furnish them with instruments of destruction to wield against ourselves.

Sir, a few words as to the value of this trade: that it is very valuable we all know, but the amount of its profits is hidden from us. It is valuable to the British, as furnishing rich materials for their manufactures, and as affording an article of commerce in their Eastern trade. It will be valuable to us in the same way. By furnishing materials for our manufactures, it will be the best protection they could ask; and such of the peltry as is not used in our own country, will supply the place of specie in the China trade. We hear complaints from every quarter that the China trade drains the country of specie, and it will continue to do so unless we can find a substitute for Spanish milled dollars; and, sir, here is a substitute—to the amount of this article supplied in that trade, that amount in specie will you retain at home.

Sir, there are still other advantages to flow to from these expeditions. Science will receive new lights; new resources of our country may be discovered, and every department of natural history may be enlarged. To the friends of Indian civilization it opens the way for the execution of their humane plans. The Indians will be brought in contact, as it were, with us, and from the intercourse that follows they will learn some of the habits and arts of civilization.

These remarks, said Mr. F., regard only the policy and expediency of this expedition, and the advantages to flow from it. Much fault has been found of the manner in which it has been conducted: corruption and favoritism have been alleged. If it is so, I will only say, let gentlemen bring the actors to light; expose and punish them; but let them not urge these as objections to the measure. If the measure is right in itself, errors in its execution cannot make it wrong. Correct the errors, and let it proceed.

Mr. Cocke next spoke, at considerable length, against the further prosecution of the expedition. He denied the advantages calculated to result from its further progress. He condemned, also, the manner in which the expedition had been prosecuted; contending that, if necessary at all, it ought to have been by the way of the Lakes, at the head of which was the seat of that foreign influence among the Indians, which it was the prin-

APRIL, 1820.

Proceedings.

H. OF R.

cial alleged object of this expedition to counter-act, &c.

Mr. BROWN replied to some of the remarks of Mr. STORRS. If it had been intended that this House alone decide on questions relating to appropriations, the Constitution would have so provided. But it does not; and he, therefore, not considering that objection which appealed to the pride of opinion of this House as of any weight, proceeded to show why, in his opinion, it was wise to extend this expedition further, &c. He considered the concurrence of the views of the Senate with those of the Executive in support of this measure as an argument in its favor, rather than against it.

Mr. WARFIELD next addressed the House. He considered the measure unnecessary, and "in hostility to the best interests of the country. He disclaimed any intention indiscriminately to oppose the measures proposed by any Department of the Government, intimating that he should, on every such question, judge and act for himself. But he proceeded to show, by a variety of arguments, why he thought that the advantages which had been anticipated from this expedition would not be realized; and why, therefore, he could not vote in favor of it. He was of opinion, also, that, were the ultimate object of the expedition reached, by its arrival at the Mandan Villages, the whole force would be in imminent danger of being entirely cut off by the Indians, &c.

The question was then taken on disagreeing to the amendment, and decided in the affirmative.

The Committee of the Whole then rose. The House concurred in the disagreement to the first amendment without a division.

The question on concurring in the disagreement to the second amendment, (that which includes a supposed appropriation for the further prosecution of the Missouri expedition,) was decided by yeas and nays, (which were required by Mr. SIMKINS.) The result was—for concurring in the disagreement, 90; against such concurrence, 68, as follows:

YEAS—Messrs. Abbot, Adams, Alexander, Allen of Massachusetts, Archer of Maryland, Archer of Virginia, Baker, Ball, Barbour, Bateman, Bayly, Beecher, Bryan, Buffum, Burton, Burwell, Butler of New Hampshire, Campbell, Cannon, Clagett, Cobb, Cooke, Crafts, Crawford, Culbreth, Culpeper, Darlington, Davidson, Dowse, Earle, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Edwards of North Carolina, Fay, Floyd, Foot, Garnett, Gross of Pennsylvania, Hall of Delaware, Hall of North Carolina, Hardin, Hemphill, Herrick, Hibshman, Hooks, Jones of Virginia, Kendall, Lathrop, Lincoln, Linn, Livermore, McCoy, McCreary, Mallary, Marchand, Mercer, R. Moore, Monell, Morton, Murray, Neale, Nelson of Massachusetts, Overstreet, Phelps, Pindall, Plumer, Rankin, Reed, Richards, Richmond, Robertson, Russ, Shaw, Sloan, Smith of North Carolina, Southard, Storrs, Strong of Vermont, Tarr, Taylor, Terrell, Tomlinson, Tracy, Tucker of South Carolina, Tyler, Walker, Wallace, Warfield, and Williams of North Carolina.—90.

NAYS—Messrs. Allen of New York, Allen of Ten-

nessee, Anderson, Baldwin, Bloomfield, Boden, Brown, Brush, Case, Clark, Cook, Crowell, Cushman, Cuthbert, Dewitt, Dickinson, Ervin, Fisher, Ford, Fullerton, Gross of New York, Hackley, Hall of New York, Hendricks, Hill, Holmes, Hostetter, Jones of Tennessee, Kinsey, Lowndes, Lyman, Maclay, McLean of Kentucky, Mason, Meech, Meigs, Metcalf, S. Moore, Moseley, Nelson of Virginia, Newton, Parker of Massachusetts, Parker of Virginia, Patterson, Philson, Pitcher, Quarles, Rhea, Rich, Rogers, Sampson, Sawyer, Sergeant, Settle, Silsbee, Simkins, Smith of New Jersey, Smith of Maryland, B. Smith of Virginia, A. Smyth of Virginia, Street, Strong of New York, Strother, Swearingen, Tompkins, Wendover and Wood—67.

So both the amendments of the Senate were disagreed to.

Mr. SMITH, of North Carolina, moved that the House proceed to the consideration of the amendment proposed by the Senate to the Constitution of the United States, respecting an uniform mode of election of electors and representatives, &c.

The House refused to take it up, and then adjourned.

THURSDAY, April 6.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to which was referred the amendments proposed by the Senate to the bill, entitled "An act making appropriations for the support of Government for the year 1820," made a report thereon; which was read, and, together with the said amendments, committed to a Committee of the Whole to-day.

Mr. SMITH, from the same committee, also reported a bill for the relief of John Steele; which was read twice and committed to the Committee of the Whole last appointed.

Mr. BEECHER moved that the House do now proceed to consider the resolution submitted by Mr. BRUSH on the 23d February last, in relation to the northern boundary line of the State of Ohio; and the question being taken thereon, it was decided in the negative.

The resolution from the Senate, fixing a day for the adjournment of Congress (the 24th instant) was taken up.

Mr. GROSS, of New York, moved to refer it to the committee yesterday appointed to inquire into the expediency of fixing on an earlier than the Constitutional day for the meeting of Congress.

Mr. TAYLOR then moved to postpone the further consideration of the resolution to Monday the 17th instant.

After some debate, this motion was decided in the negative—yeas 77, nays 73.

Mr. GROSS's motion was then agreed to.

Mr. BARBOUR submitted the following resolution, which was read, and ordered to lie on the table for one day:

Resolved, That the following be added to the standing rules of this House, to wit: "No petition shall be received at the first session of any Congress, except within the first ninety days thereof; nor at the second, or any subsequent session, except within the first sixty days thereof."

H. OF R.

Mausoleum to General Washington.

APRIL, 1820.

Mr. COBB moved that the House do now proceed to consider the resolution submitted by him at the present session, proposing an amendment to the Constitution of the United States, in relation to appointments to office. The motion was determined in the negative.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting reports of the Chief Engineer, of the Colonel of Ordnance, and of the Second and Third Auditors, with sundry accompanying documents, which contain the information in relation to contracts which have been made for the building or repairing of fortifications, arsenals, and magazines, since the year 1815, as required by the resolution of this House on the 1st instant; which letter and reports were ordered to lie on the table.

LOAN OF PUBLIC MUNITIONS.

Mr. SERGEANT, from the Committee on the Judiciary, who were instructed, on the 14th ultimo, to inquire whether any, and, if any, what, measures are necessary to be taken for the greater security of debts due to the United States, in consequence of certain loans of powder, lead, and other munitions belonging to the Government, having been made to private citizens, by any officer of the United States, made a report thereon; which was read, and the resolution therein contained was concurred in by the House. The report is as follows:

The Committee on the Judiciary, to whom was referred a resolution, of the 14th of March, directing them to inquire whether any, and, if any, what, measures are necessary to be taken for the greater security of debts due the United States in consequence of certain loans of powder, lead, and other munitions, belonging to Government, having been made to private citizens by any officer of the United States, report, That they have had the said resolution under consideration, and have examined the several cases to which it is supposed more particularly to refer, as they have been communicated to the House by the Secretary of War. The liability of those who have been concerned in these loans is already determined by the contracts and by the existing laws; and the committee believe that it could not now be increased by any act of legislation. How far it might be proper, by any expression of opinion or otherwise, to endeavor to restrain the practice for the future, it is not referred to the committee to consider. If, however, any provision on this part of the subject be deemed expedient, the committee would respectfully suggest that it belongs more properly to the Committee on Military Affairs, who have the best means of judging what the public service may in such cases require.

The remedies already provided by law for the recovery of the debts growing out of the loans appear to the committee to be sufficient for the purpose, and the application of them, depending, of course, upon a variety of circumstances unknown to the committee, is for the Executive department of the Government. They therefore submit the following resolution:

Resolved, That the committee be discharged from the further consideration of the subject.

APPROPRIATION BILLS.

The House then resolved itself into a Committee of the Whole, on the Senate's amendments to the

bill making appropriations for the support of Government; and some discussion took place on them.

The Committee reported to the House their agreement to some amendments, and disagreement to others.

The House concurred in disagreeing to two of the amendments: that which increases the salary of the Attorney General's clerk from 800 to \$1000, and that which proposes an appropriation of \$15,000 to pay certain balances due to old collectors of the internal revenue.

The amendment which appropriates the sum of \$15,000 to indemnify John Steele, Collector of the port of Philadelphia, against a judgment obtained against him for a certain seizure made in the execution of his public duties, was stricken out, on recommendation of the Committee of Ways and Means, to the end that it might be included in a separate bill; the committee being of opinion, as stated by the chairman, (Mr. SMITH, of Maryland,) that such claims should be provided for by separate bills, and no longer be included in the general appropriation bills, as heretofore the practice.

The other amendments of the Senate were agreed to.

The bill reported this morning, by the Committee of Ways and Means, for the relief of John Steele, having passed in Committee of the Whole, was also reported to the House. The question was then stated on ordering the bill to be engrossed for a third reading.

Mr. BALDWIN moved to lay the bill on the table, on the ground that he was not able to see why bills for the relief of collectors should be allowed to pass as matter of course, when the claims of other citizens experienced a fate so entirely different. He was desirous to place all claims on the same footing as to the mode of proceeding on them.

On the question to lay the bill on the table, the House was so divided, that the Speaker's vote would have turned the scale. He was opposed to laying the bill on the table, and the bill was ordered to be engrossed for a third reading to-morrow.

The Senate's amendment to the bill making appropriations for the public buildings, passed through a Committee of the Whole, and was concurred in by the House. [This amendment appropriates \$2,400 for making alteration in the Senate Chamber.]

MAUSOLEUM TO GEN. WASHINGTON.

Mr. EWING, of South Carolina, submitted the following resolutions:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of said States be requested to take measures to obtain from the honorable Bushrod Washington the body of the late General George Washington; and, if obtained, that he cause to be erected over it, in the Capitol square, east of the Capitol, a suitable mausoleum, with inscriptions emblematical of the principal events of his military and political life.

Resolved, That the President of the United States be authorized to give the sum of — dollars for the best plan of a mausoleum; which plan of a mausoleum, and the inscriptions thereon, shall be approved

APRIL, 1820.

Mausoleum to General Washington.

H. OF R.

by the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Chief Justice, the Secretaries of the different Departments, and the Attorney General, or a majority of them.

Be it further resolved, That the President do cause to be procured an equestrian statue of bronze of General George Washington, to be executed by some eminent artist, which shall be placed on the top of the said mausoleum, in the centre building of the Capitol, or in any other place within the public square, which, by a majority of the persons in the preceding resolution referred to, shall be deemed most suitable.

And be it further resolved, That a committee be appointed to bring in a bill to make the necessary appropriations of money to carry into execution the objects contemplated in the preceding resolutions.

Mr. ERVIN addressed the Chair as follows:

Mr. Speaker, I consider it among the fortunate incidents of my life that I have the honor of a seat in the great council of my country, and enjoy an opportunity to vote for a statue and monument to General George Washington, late President of the United States; not, sir, in the hope to confer honor, or to perpetuate the fame of this great man, but to join in manifesting to the world and the latest posterity our admiration and gratitude for his eminent virtues and most distinguished services.

It is not my intention; nay, it is unnecessary to repeat any considerable portion of his history to this enlightened assembly—it lives in our memories, it dwells upon our tongues: or his virtues, for they are embalmed in the bosom of our affections. To their narration I can impart no new ornament; for, in their praise, eloquence has poured forth all her eulogiums, and even panegyric itself has been exhausted.

Nor is it, sir, for the purpose of mere idle declamation that I hope to claim the attention of this honorable body to the resolutions which I have done myself the honor to present. Considerations more momentous have influenced me. The storm has not yet wholly subsided which lately threatened, not only the peace and tranquillity, but the union of these States. To the motives of common security and common interest which have so happily and gloriously united us, I wish, if possible, to add those of sentiment and kindred sympathy; and I know of nothing more calculated to beget the one or awaken the other, than to entomb the father of our country in a mausoleum, with inscriptions emblematical of the great events of his political and military life, erected at the national expense.

Cold, indeed, will be that heart which could ever approach it, without experiencing mingled emotions of veneration and respect. The wise, good, and oppressed from every clime, will come and survey, with wonder and delight, the gratitude of the American people to him "who was first in war, first in peace, and first in the hearts of his countrymen."

At its pedestal the ambitious will learn the vast difference between promoting the glory and happiness of millions of freemen, and that of mere personal aggrandizement. Whilst statues, monuments, and the applause of unborn millions, will

be the soul-ennobling reward of virtuous ambition in the one case, they will behold the other sitting upon the ruins of Carthage, more emblematical of fallen greatness than the very ruins which surrounded it. They will follow it in its flight from the bloody plains of Pharsalia, and behold it naked, lifeless, friendless, and inurned on Egypt's sultry shore; they will see it for a few splendid years awing the world—then behold it stript of imperial power and splendor, cut off from all the endearing sympathies of our nature, our consolation in misfortune, and exiled to a rock in the great Pacific ocean.

Here, sir, when we who are now guiding the destinies of our country will be silent in the dust, our children from the North and the South, from the East and the West, will meet in mournful silence; the great events of the Revolution will pass in solemn review before them; the disasters of defeat, and the triumphs of victory. They will behold the man whose cause I now advocate, guiding the storm and directing the energies of an injured people, determined to be free. They will remember the joint exertions, the kindred blood which flowed to purchase our freedom, and will kneel around it, and with full hearts swear to transmit the rich inheritance unimpaired to their latest posterity.

All the enlightened nations of antiquity considered it a duty not only to commemorate the virtuous deeds, but to perpetuate to their posterity the very form and appearance of their illustrious dead. To this end all their literature and arts were equally subservient. On the one hand, whilst history recorded, and eloquence rendered immortal, their virtues and warlike achievements; on the other hand, the marble, decorated with the ornaments of drapery, seemed to breathe under the chisel of the artist, and an artificial form on canvass was almost penciled into life—dividing empire with the grave, and handing down to posterity the venerable image of the benefactors of their country. Hence the incentive to great actions; hence that undaunted courage which made them superior to the dangers of the field; and hence that noble emulation which stimulated them to aspire after generous fame and everlasting renown, when they knew, and acted under the influence of that knowledge, that they would survive the decay of nature, and be seen and venerated in other times.

Do we fear the amount of the expenditure? Quadruple the sum expended whilst debating the Missouri question, will cover the amount necessary. But, admitting it should be more, will my country promise, and promise, and never perform? On the 17th of August, 1783, in the moment of triumph, when the services of WASHINGTON called forth universal expressions of grateful feeling, the Continental Congress unanimously voted him an equestrian bronze statue; but, notwithstanding his virtues and great achievements, he had the mortification to outlive the gratitude of his country, for it has never been procured.

In 1799, after having done all the good in his power, and he was summoned to join the general congress of virtue above, remember the pledge that

H. OF R.

Mausoleum to General Washington.

APRIL, 1820.

was given to this mighty people, who were then in tears. Your chair, sir, was shrouded in black; the then Congress, in a body, waited on the President of the United States, in condolence for the national loss. They requested of his illustrious, disconsolate consort, the body of the Father of our Country, which was assented to; and in May of the subsequent year a bill was introduced into this House to erect over it a mausoleum. And what, let me ask, has been done? Other revolutionary claims have been adjusted; but this great national debt of gratitude yet remains to be paid. The eyes of the world are upon us. The affection of the American people demands it; and will you not gratify them? Will you justify the imputation of the charge of ingratitude, which history informs us is the vice of Republics? Will you, in moments of joy or sorrow, when the soul is animated or melted with the noble, generous feelings of the heart, decree statues and monuments, and, when those feelings have subsided, suffer yourselves to be governed by motives of a character less meritorious?

If you should be thus unfortunately influenced, authorize a national subscription, proclaim to the patriotism of the American people, that money is wanting to procure a statue and erect a monument to WASHINGTON: Riches would pour forth her treasures, and the poor Revolutionary soldier, whose heart has been often cheered with his voice, whilst fighting the battles of his country, will perform his last pilgrimage, and give all he has to give, his tears.

But, sir, I know I may be told, that apprehensions are entertained for fear of the danger of the precedent: that others less meritorious may wish the like distinction. My regret is, sir, that the annals of mankind have not as yet, and I much fear will never produce such another subject of commemoration. But if, in the course of human events, our country should be invaded, and liberty driven to her last entrenchments, some mighty genius should arise, whose victorious arm should beat back the invading foe—sweep them off with the besom of destruction, and redeem the sinking destinies of my country, I would commemorate his exploits by every expression of national gratitude, and erect to his memory a monument more durable than the pyramids of the Nile. All these glorious exploits, and more, have been performed by this illustrious man; and if ever man deserved the distinguished evidence of a nation's love, it is WASHINGTON. So eminent have been his services, that he has been, and will be throughout every age, the theme of universal panegyric.

The liberties of other countries have been acquired by the united exertions of numbers; but whilst I justly admire and duly appreciate the talents, the firmness, and integrity of other illustrious patriots of the Revolution, I appeal to history to say, whether the liberty of this country was not acquired as much by his skill and prudence, as by the force of numbers. At the commencement and during the Revolutionary war, remember the difficulties he had to encounter; at the head of militiamen, undisciplined, and without

any motives for union but those of common danger, he dared to oppose a Power whose veterans had recently conquered in every clime, and whose flag waved in proud triumph round the world. Hannibal like, he soon converted the licentiousness of freemen into the orderly discipline of the soldier, and by superior military skill, drove his arrogant confident foe from his encampment in Boston. On the 15th of November, 1776, two thousand seven hundred of his soldiers were captured at Fort Washington. The 1st of December of the same year, their term of service having expired, twelve thousand more claimed their discharge, and left him with less than three thousand effective men; with this remnant, in the dead of Winter, and in the face of a vastly superior force, he kept the field, and convinced his foe that although his physical numbers were diminished, his moral force was the same, and that he might destroy, but could never conquer freemen.

At this awful moment, the stoutest hearts were appalled; not only the poor and humble, but the rich and influential, gave up all as lost, and numbers claimed the protection of a powerful enemy. Yes, sir, he was forsaken, and when counselled to make his own peace, he indignantly repelled the advice, and declared that he would carry the war into the upper part of his native State, and if driven from thence, he would raise the standard of liberty beyond the mountains. Oh! my country, he was our father—he was our friend. In the most gloomy moments of our Revolution, when all our prospects were darkened—when hope herself was sinking in despair, his great mind never faltered. No matter what disaster befell you, no matter what misfortune awaited you, he was faithful: he rose superior to the one, and prepared with manly fortitude to encounter the other; and after enduring trials the most afflicting, and encountering dangers the most appalling, he succeeded in establishing the liberties of his country, by triumphing over the hero who was nursed in arms on the plains where Wolfe, Montcalm, and Montgomery fell.

At the close of the American Revolution, he exhibited to the world a spectacle to which history furnishes no parallel. His country was exhausted; without union, without money, and without credit; flushed with victory, and a gallant army at command, like other conquerors he, too, might have taken advantage of the times, triumphed over the rights of the people, and ascended to empire. But, ambition stop thy mad career, and copy the glorious example. Instead of fomenting, he appeased and suppressed the discontent of an enraged soldiery; and after having led them from victory to victory, and dispelled the horrors of a bloody and protracted war, and there was nothing else to conquer but himself or the liberties of his country, he stripped victory of her chains, embraced for the last time his officers, the companions of his glory, and with tears in his eyes bid his soldiers an everlasting farewell; then repaired to the Hall of Congress, and resigned back to the representatives of the people that power which he had used only to redeem them and their countrymen from misery, from slavery, and from death.

APRIL, 1820.

Mausoleum to General Washington.

H. of R.

What American, within the hearing of my voice, whose heart does not melt with gratitude at the name of WASHINGTON! What language so barbarous as does not speak his name! What nation so distant as does not resound with his praise! Eminent without magnificence; superior without vanity; and elevated without pride, he was the admiration of an astonished world. Faithful to his friends, generous to his companions, and a philanthropist to the very being of man, he lived loved by the good, caressed by the great, and feared and respected by his very enemies. Firm and inflexible in the pursuit of justice and truth, he scorned equally simulation and detraction.

Greece may tell of her legislators; Rome may tell of her heroes, but what age or country can boast a WASHINGTON—a man so renowned both in peace and war? Leonidas was patriotic; Aristides just; Hannibal was patient; Fabius prudent; Scipio was continent; Cæsar merciful; Marcellus courageous, and Cato of inflexible integrity: yet, these virtues which separately distinguished those mighty men of antiquity, were all united in the character of this singular great man, and raised him above the level of mankind; he was so pre-eminent that envy never dared to raise its malignant glance to the elevation of his virtues. Other heroes are renowned for subjugating—he for liberating his country. Kings and Princes derive honor from crowns and from sceptres—he, less from the splendor of station than the dignity of his own mind. Cæsar and Pompey, on the plains of Pharsalia, competed for the mastery of the world—here, amidst contemporaries capable of saving and ennobling empires, ran his splendid career without a rival or competitor. To crown all his other great qualities, and, if possible, to consecrate human greatness, he was a christian—not only the favorite of the earth, but we humbly hope of Heaven.

Whilst the conduct of other great men in public life tend to ennoble the hero and render illustrious the statesman, in private it is cursed with every vice which degrade the man. In public life, WASHINGTON'S conduct was unrivalled; and, in private, there was not one circumstance of his whole life which virtue would blush to own. As, in the meridian of life, religion gave dignity to every action, so in the evening of his days, when the troubles and perils of life were past, it beamed resplendent, like the rainbow on the skirts of the storm that is gone, the blessed harbinger of eternal sunshine in the realms of everlasting day.

But, Mr. Speaker, to estimate still more correctly the character of this great man, let us pause for a moment, and take a cursory view of the present unhappy situation of other countries and people, compared with our own. Look through the extensive continents of Africa and Asia, and there is not the least vestige of learning* or liberty

to be found, however industrious the research. Egypt, the cradle of letters, is now the abode of ignorance and fanaticism. The descendants of Ham are sold into every clime, and those that remain wither under the despotism of chieftains, who consign them to destruction with as little remorse as the rude storms of the desert which ravage their native clime.

Assyria, once the proud mistress of Asia, has long since been blotted from the face of empire. Bablyon, with her wall which proudly defied the Persian, has mingled with the dust, and the lonely traveller weeps over the ruins of Palmyra with scarcely a page to tell its name.

Where are now the sons of Abraham, once the favorites of Heaven? They are banished from the land of promise, and, as was prophesied, are "sifted among the nations of the earth."

Look into humbled Europe, and lo! there is not one azure spot to cheer the gloom of the political horizon. The Ottoman slave treads, insensible, the glorious field of Marathon, and despotism sways her iron sceptre at the very Strait of Thermopylæ. Persecuted liberty has fled from England, the country of Hampden and Sydney, and, although the workshop of the world, she is cursed with a debt which no industry can redeem. Poland, martyred Poland, with sixteen millions of people, forms one of the outposts to the empire of the descendant of Magog! Italy, the home of the Cæsars, and the grave of the heroes of antiquity, cringes under the domination of timid Austria. Whilst France, generous, gallant France, plundered and exhausted, weeps over the recollection of the splendor of days that are past.

Then turn your attention to this happy country, "the land of Washington and sky of Franklin;" the home of the homeless; the last refuge of oppressed humanity. Here agriculture flourishes; our commerce whitens the ocean, and every wind that blows wafts into our ports the riches of every clime. Here we find an empire of laws which guards our rights, both civil and religious, and which knows no distinction but such as merit confers and virtue approves. Where the poor man, in the tattered garb of plebeian humility, sits enthroned upon the altar of justice, and there is no titled, fictitious greatness to injure or oppress him.

Contrast this happy situation with that of Europe, Asia, and Africa; contrast it with your own situation under colonial servitude; read your Declaration of Independence, and realize, if you can, the black catalogue of injury and oppression under which you then groaned; your petitions rejected—your complaints derided and suppressed—not by a redress of grievances, but by menaces; a whole people outlawed, and given up to military despotism; then ask yourselves who headed your armies, who fought your battles, who most contributed to raise you from that state of misery and dependence, and gave you rank among the nations of the earth. And O my country, I blush to think this our greatest earthly friend, almost within sight of the very walls in which we deliberate, reposes under the humble clod of the hill, without one national stone to tell posterity where he lies. I call upon the ven-

* Mr. E. is aware of the College of Fort William, and the Bibliotheca Biblica in Bengal, the Santa Casa or Holy Office at Goa, and the schools established at Sierra Leone, by the British on the western coast of Africa; but the benefit which has resulted from those establishments is not yet perceptible.

H. OF R.

Savannah Sufferers.

APRIL, 1820.

erable patriots of the Revolution, some of whom I yet see mingling in the deliberations of my country; I call upon the friends of Warren and of Greene, of Mercer, Sumter, Marion, and Montgomery; nay, I call upon the Representatives of the whole American people to redeem my country from such deep ingratitude; and if any remnant of affection for WASHINGTON still lingers about the heart, I know I will not call in vain. When did your country ever call, and he did not obey? When did it ever want his aid, and he did not readily yield it his assistance? What is your whole history? It is but little more than the record of his obedience, his virtues, and his services; and, painful to think, this same history, whilst it will record the unfeeling ingratitude of his country, will inform posterity that, for that very country, he staked his life, determined to redeem it from slavery or perish in the attempt. And can you—will you refuse to bury him? Oh no! Let us rise up at once, and with united acclaim decree him a statue. Let us outstrip the march of ages, and erect a monument, not merely equal to our present condition, but commensurate with the splendid destiny which awaits us. He is the Father of our Country; let us demand his body, and erect over it a mausoleum at which Time in his passage to eternity will point and tell to every age the glorious gratitude of the American people. And when the national sympathy shall be forgot, and the memory of man faded away; when tradition itself shall have had an end, and history be regarded as the splendid fiction of fancy or tale of romance, this monument shall stand throughout every age, the imperishable evidence of his virtues and a nation's love.

When Mr. E. had concluded, the question was taken that the House do now proceed to consider the said resolves, and it was decided in the negative.

SAVANNAH SUFFERERS.

The House then resolved itself into a Committee of the Whole, on the bill from the Senate, for the relief of certain sufferers by the late fire at Savannah.

Mr. REID moved to amend the bill (which proposes to remit one-fourth of the amount of duties on imported goods destroyed by the fire) so as to provide for the remission of the whole amount of such duties.

In support of this motion, Mr. REID delivered a speech of some length, sustaining himself by precedents adduced from the statute book, as well as by arguments going to show the equity, and expediency of Legislative interposition, to the extent which he had proposed. He described the extent of this calamity in glowing terms, and invoked the justice of this House, to relieve the sufferers from the additional loss of the amount of duties on goods destroyed.

Mr. CUTHBERT, of Georgia, delivered the following observations:

Mr. Chairman, I entirely approve of the motion before the Committee, and should have proposed it myself, had I not been anticipated by my friend

and colleague. Every reason which should induce Congress to remit one-fourth, with the same force requires us to remit the whole of the duties under consideration. In order to show the propriety of remitting these, I will draw the attention of the Committee, for a moment, to the designs with which duties are imposed. One object intended to be accomplished by them is the encouragement of domestic manufactures.

In more populous countries labor is cheaper, and manufactures are in general executed with less expense than in the United States. The merchant might import foreign fabrics with so little cost as to sell them at a price that would be ruinous to the domestic manufacturer. To guard against this evil, to prevent the domestic manufacturer being driven from the market, enable him to enter into the competition with a hope of success, a duty is laid on the foreign fabric, intended to raise its price to a level with that at which the domestic manufacturer may afford to sell his wares.

The other design of duties is to raise a revenue in a mode the least unpleasant and burdensome to the people. The importer pays the duty to the Government, and adds it to the price at which he might otherwise have sold his goods. The burden is thus transferred to the consumer. He knows the price before he makes the purchase, and his purchase is an act of his own will. He does not feel that he is paying a tax to the Government in addition to the natural price of the article. He is, at his own discretion, consulting only his own individual happiness. The mass of the people know that vast funds are acquired by the machinery of Government; but they do not feel that they are daily contributing to raise this revenue.

When goods are imported, not to remain, but to be exported to some third country, both of these reasons for imposing the duty cease to operate. When foreign goods are thus exported, they are withdrawn from the competition with domestic manufactures. Their existence can no longer prevent the sale, or reduce the price of wares fabricated within our country, and a duty on them can have no influence in encouraging domestic manufactures. And in this case the collection of a duty on them would not be that least unpleasant and burdensome mode of raising a revenue, which we have noticed. On the contrary, it would be an insupportable burden on the merchant, consuming his profits, impairing his energy, and repressing his spirit of enterprise.

The reasons of the duty having ceased, it ought not to be collected, and, by a general provision of the law, in all such cases it is remitted. Then does the merchant pay for the privilege of importing? No. For if he imports goods, and then exports them, he pays no duty. The duty pays for something additional to the right of importing; it pays for the right of importing and selling in the country. In the cases which the present bill is designed to cover, the goods have not been exported; they have, while in the possession of the importers, been destroyed by an overwhelming calamity, which no mortal prudence could avert,

APRIL, 1820.

Savannah Sufferers.

H. OF R.

whose desolating fury no human activity or courage could arrest, and which has laid in ashes one of our finest cities.

The merchants have had only the privilege of importing; they have not the possibility of selling. The reasons of the duty have as entirely ceased, as if the goods had been exported. Are they not withdrawn from a possibility of injuring the sale of domestic manufactures? Do they not cease to afford the least unpleasant and burdensome mode of raising a revenue? On the contrary, would not the collection of a duty on them be an insupportable burden, weighing down to the earth unfortunate men, who are now tottering under the stroke of Heaven? Yes, sir. The reasons, the equity of the duty have as much ceased as if the goods had been exported—the collection of it would be an act of injustice and oppression.

Do you doubt your power? You have power to impose, and have you not equal power to take off duties? In numerous instances, in which the interests of religion, or of the fine arts, were thought to be concerned, Congress has remitted duties; it has remitted duties in several cases precisely parallel to the present. By the act of August 4th, 1790, the duties were remitted on salt, destroyed by a flood at Annapolis. Two importations of coffee, into Norfolk and Portsmouth, were destroyed by fire; by the act of May 9th, 1794, the duties on these were remitted. By the act of June 7th, 1794, the duties were remitted on spirits destroyed by fire in Vermont. By the act of March 3d, 1804, duties were remitted on tea, destroyed by fire at Providence. Such has been the repeated practice of the Government. But the gentleman from North Carolina says, that the Constitution has given us no power to remit duties. Does he look into the Constitution of the United States for authority to act with fairness, equity, and honor? I hope that the members of this body have sufficient instructions in their own bosoms thus to act, and that, for principles of equity and honor, we have no reason to resort to written constitutions. The same gentleman has said, that the present application is contrary to the established principles of trade. He has said, (I use his own language,) if A sells to B goods, which are destroyed by any casualty, while in the possession of the latter, as well might he request A to release him from the debt incurred by his purchase. This case is not parallel to that of the applicants of Savannah. On the supposition of the gentleman from North Carolina, the bond given by B to A was the equivalent for goods which A had parted with. B. cannot restore to A the consideration, the property, for which the bond had been given. Widely different is the case of the merchants of Savannah.

The Government has not parted with any property. The bonds or other specialties given as an equivalent for the goods destroyed are still due, and must be paid to merchants in Philadelphia, New York, Boston, and England. That consideration, for which the bonds that you hold were given, has returned to you entire and unimpaired. The conflagration has produced, in the supply for Georgia, a chasm which will be filled

up by a subsequent importation. That very privilege of importing and selling goods to the amount destroyed by fire, for which the bonds in question were given, has been taken, by the irresistible hand of Providence in a dreadful calamity, from the unfortunate merchants, and will be sold by you to other importers. If the tariff should be raised, as proposed by a bill on the table, this second sale will yield you a sum greater than the amount of the bonds; and even after you have remitted the bonds, your Treasury will have gained by the burning of Savannah. Does any one still believe that the revenue will be impaired by the passage of this bill? I will endeavor to make the subject a little more clear. That part of the revenue which arises from imports, is proportioned, not to the goods imported, but to the goods used in the country. It is then proportioned to the domestic demand for goods. The annual revenue arising from imports in Georgia, is proportioned to the average annual consumption in that State. This proportion may not exist in every year separately, but in a series of years it will not fail to be preserved. Suppose, for example, that the annual consumption of foreign merchandise in that State amounts to a million of dollars, and that the duties on that amount are two hundred thousand dollars. By unavoidable misfortune one-fourth of this merchandise is destroyed in the stores of the importers, and on the merchandise thus destroyed Government holds bonds for duties to the amount of fifty thousand dollars. The goods saved from destruction are less by one-fourth than the annual consumption, and the demand, to the extent of that deficiency, will be supplied by another importation. On this new importation duties will accrue to the amount of fifty thousand dollars. If Government exacts the payment of the bonds given on the importation of the goods destroyed, instead of its average annual revenue of two hundred thousand, it will in this year receive two hundred and fifty thousand dollars. What will be the cause of this increase of your revenue? The losses of the merchants of Savannah. Who will pay this extra duty on goods not used in the country? The unfortunate applicants of Savannah, most of whom have in one night been reduced to poverty. If you exact the payment of the bonds, you will gain some addition to your revenue from the sufferings of your citizens, from the burning of one of your cities. Can this be your desire? Do you not look with abhorrence on such an acquisition? Shylock may demand his pound of flesh, but I hope that the Government of my country is actuated by different feelings. If you remit the bonds you will only consent not to gain by the losses of your citizens, and your Treasury will be in the situation in which you would have seen it if the terrific flames had not swept Savannah with the besom of destruction.

This Congress is distinguished by a laudable zeal for economy; a spirit which should characterize our Government at all times, and which is peculiarly necessary in the present condition of our finances. But I hope that this zeal for economy will not lead us to an indiscriminate retrench-

H. OF R.

Savannah Sufferers.

APRIL, 1820.

ment of expenditures which are necessary to the honor and prosperity of our country; nor excite in us a passion for unhallowed gain. The Government should never pursue a course which would be disgraceful to an individual. If we see an individual refusing expenditures within his power, which are necessary to his health and honor, we do not admire his prudence—we despise his parsimony. If we see an individual grasping at every thing within his reach, and availing himself of the letter, while he violates the spirit of a contract, to extort the last farthing from his unhappy debtor, we detest his unprincipled, hard-hearted, cruel avarice. I am aware that when men are acting in behalf of the Government, they have not that regard for reputation, that sense of honor, that tenderness of conscience, which the same men would feel if acting for themselves. Under a consciousness that they are influenced by no narrow selfishness, and that they are watching over the great interests of their country, they believe that public virtue consists in guarding the public purse, and they feel not a scrupulous respect for the just claims of individuals. I entreat my friends in the Committee not to yield to this illusion. The reputation of our country should be as dear to us as our individual honor; we should be as careful to guard our country from the imputation of injustice as to preserve ourselves from this foul reproach. And, indeed, he who suffers injustice from the Government, feels more deeply than if he had suffered the same injustice from an individual. In the latter case he may hate the avarice, he may resent the dishonesty, of his fellow-citizen. But when with the sense of injustice he connects the idea of the irresistible power of the Government, exerted to oppress him, while he broods over an injury for which there is no redress, he feels a deeper hatred. He detests both the injustice and the tyranny under which he suffers. I hope that Congress will always carefully avoid those acts of injustice towards individuals, which are calculated to excite this gloomy and deep-rooted hostility to the Government.

If my judgment were consulted in this case, the Government should not merely be just, it should be liberal. It should not only refrain from oppressing, it should show a paternal solicitude for the welfare of its suffering citizens. With an arm no less bountiful than powerful, it should comfort the afflicted—it should sustain the sinking—it should be foremost to shelter, and feed, and clothe those who, in consequence of one severe visitation of Heaven, are houseless, and hungry, and naked. But we seek no charity; we appeal not to your generosity; we ask only a liberal and enlightened justice. When we recommend the remission of duties, the reasons and equity of which have ceased, we propose to you to cancel a debt which you cannot collect without visiting the habitations of distress with injustice and oppression.

Mr. SMITH, of North Carolina, reluctantly opposed the amendment. Were he governed by his feelings alone, to which this case so strongly appealed, he should vote for the bill, and even for

the proposed amendment to it; but, obeying the impulse of duty, he could find no power in Congress to disburse the public moneys in acts of charity or generosity, or for other purposes than those designated in the Constitution. He denied that this bill rested on justice for its support, however sympathy and feeling might recommend it. He argued that this case could not be distinguished from other losses, from casualties of various sorts, &c., and he could see no difference between remitting this duty and taking so much money from the Treasury, which he contended Congress had no right to do, and not having the right, he denied the force of precedent to justify it.

Mr. COBB replied to Mr. SMITH. Where, he asked, was the scruples he now expressed, when, the other day, a bill passed to remit the duties on a statue of WASHINGTON, imported by the State of North Carolina; and what was there in that case to make it stronger than this? Mr. C. then proceeded to make a number of remarks in support of this bill and of the amendment proposed to it. Many of these importers, he said, were rendered, by their losses, absolutely penniless, and were from every consideration entitled to relief.

Mr. FLOOR, of Connecticut, said, he presumed it would be unnecessary for any member of this House to state, that his sympathies towards our unfortunate fellow-citizens of Savannah were strongly excited. We commiserate their sufferings; but, sir, we are not to legislate under the influence of sympathy. The power of Congress is a delegated power; and, sir, I find no authority to extend the hand of charity: my instructions contain no such power. The question now before the Committee is on the amendment proposed by the gentleman from Georgia, (Mr. REID,) to the bill from the Senate, extending to the remission of all the duties, instead of one-fourth, as proposed in the bill.

Sir, I am opposed to that principle of the bill which remits any portion of the duties, on the ground that Congress can no more remit these duties, which have become a debt, than appropriate a sum of money from the Treasury, in charity. The principle is the same in both cases. But I am opposed to the amendment on other grounds. Will not the amendment embrace the whole amount of duties which have accrued within from nine to eighteen months? It will be impossible to ascertain the amount remaining on hand unsold. If the principle of the bill be correct, it is but fair to presume that not more than one-fourth of the goods remained in the hands of the importer, and of course the amount proposed to be remitted by the bill, would probably embrace the amount of the goods destroyed in the hands of the importer. Sir, I am disposed to grant all the relief in our power, consistent with our duty, and shall offer an amendment to extend the time of credit on those duties, when this amendment is rejected.

In answer to the gentleman from Georgia, (Mr. COBB,) who asks, where have been our Constitutional scruples on former occasions? the gentleman will recollect that, with me, this principle has always been maintained. He will recollect

APRIL, 1820.

Proceedings.

H. OF R.

my opposition to the bill granting land to the deaf and dumb asylum, upon the same principle. My course has been uniform. The gentleman calls upon us to exercise our reason. This, sir, we intend to do, and I ask him to do the same. I highly applaud the zeal of the gentleman in favor of the unfortunate sufferers of his own State; but he must recollect that we are to sympathize as *men*, but not as *legislators*.

The gentleman begs of us some better reason for opposing the bill than Constitutional doubts! This is sufficient for me, sir; but there are other and cogent reasons which would induce me to vote against one of the principles of the bill. If it is to be considered an act of charity, it ought to be distributed equally; if of justice, impartiality is indispensable. But, sir, this bill is confined to the importers merely. Why not extend it also to the purchaser? He, sir, has already paid to the importer the amount of duty, and of course would have a stronger claim to relief.

But, sir, the importer, who has prudently insured his property, and paid his premium, receives no relief. Are we, sir, to be incorporated into an insurance company, with the President of the United States for president, as was lately proposed to establish a turnpike company on the Cumberland road?

Gentlemen claim on the ground of former precedents. If they will rest their claim on this ground, they will find, on examination, the balance of precedents against them. True it is, that, in some instances, such relief has been granted; but, sir, it is equally true that, in most cases, relief has been refused.

Do gentlemen propose to open the doors of the Treasury to remunerate for all the losses by fire? Sir, your Treasury would be beggared; your boasted twenty-seven millions annually would scarcely remunerate the losses which are annually sustained by this destructive element. Sir, you would soon find a more alarming deficit than now exists in your Treasury.

The report of the committee of the Senate on this subject having been read—

Mr. PINDALL delivered his sentiments in favor of the bill, and of the motion now depending. No case could be stronger; and even those who opposed the proposed remission were obliged to admit there were precedents in point on the statute book. It was indeed said that Congress had refused to remit duties in similar cases; but those cases had not been specified or enumerated, as those of remission had been. The Constitutional objection, he intimated, in the course of his speech, was entitled to but little weight; as it could scarcely be doubted that Congress had power to repeal or modify its own revenue laws, and the measure proposed was but a modification or repeal of them as to a particular case.

Mr. CUTHBERT again spoke, in reply to Mr. SMITH and Mr. FOOT. To refuse this equitable provision would, in an individual, he contended be disgraceful; and, in his view, every citizen, and particularly every member of this House, ought to cherish the reputation of the country as

he would his own. This, and other considerations, he urged on the attention of the Committee in favor of the amendment and the bill.

Mr. WALKER made some remarks, earnestly in favor of the bill and amendment.

The question was then taken on the amendment proposed by Mr. REIN, and decided in the negative, by a large majority.

Mr. FOOT then moved an amendment to the bill, the object of which was to strike out so much of the bill as proposes to remit 25 per cent. of the amount of duties (and thus confine the bill to a simple extension of the credit on the bonds for two years.)

The motion was agreed to—63 to 53.

Mr. CLAY then moved to add a new section to the bill, the object of which was to appropriate fifty thousand dollars for the relief of the sufferers by the late calamitous fire at Savannah, to be applied under the direction of the Mayor and Aldermen of that city.

This motion was negatived by a considerable majority.

The Committee then rose, and reported the amendment which had been made to the bill.

Mr. COBB made some remarks, by way of remonstrance against a concurrence in the amendment made by the Committee of the Whole. Mr. FOOT replied to the observations particularly addressed to him on this subject. Mr. COBB rejoined.

The question was then taken on concurring in the amendment made in Committee of the Whole, and decided in the affirmative—70 to 63.

The amendment was then further amended, so as to extend the term of credit on goods destroyed, from *two to four* years.

Thus amended, the bill was passed to a third reading.

After spending some time in Committee on the bill for the relief of Walter Manning, the House adjourned.

FRIDAY, April 7.

Mr. LIVERMORE, from the Committee on the Post Office and Post Roads, who were instructed to inquire into the expediency of affording some pecuniary relief to the widow of John Heaps, deceased, made a report, which was read; when, Mr. L. reported a bill for the relief of the widow of John Heaps; which was read twice and committed to a Committee of the Whole to-morrow.

Mr. COOK moved that the House do now proceed to consider the bill authorizing the Governor of Illinois to obtain certain abstracts of land from certain public offices. The motion was negatived.

Mr. BARBOUR moved that the House do now proceed to consider the amendment submitted by him yesterday to the standing rules of the House. The motion was negatived.

A message from the Senate informed the House that the Senate recede from their first amendment to the bill entitled "An act making appropriations for the military service of the United States for the year 1820," and insist on their second amend-

H. OF R.

Proceedings.

APRIL, 1820.

ment to the said bill, and ask a conference upon the subject of the disagreeing votes of the two Houses on the said amendment, and have appointed managers at the said conference on their part; and they have passed bills of the following titles, to wit: An act providing for the better organization of the Treasury Department; an act further to amend the judicial system of the United States; and an act for the relief of the legal representatives of Tench Francis, deceased; in which bills they ask the concurrence of this House.

The bill from the Senate, for the relief of certain sufferers by the late fire at Savannah, was read a third time as amended, and passed; the bill for the relief of Walter Channing was read a third time, and finally passed; the bill for the relief of John Steel was read a third time, passed, and sent to the Senate for concurrence.

The following bills, which originated with the committees of this House, to wit: the bill for the relief of Jacob Konkopot and others of the nation of Stockbridge Indians; the bill for the relief of Elkanah Finney; the bill for the relief of James Mackay, of the Territory of Missouri; the bill for the relief of Fielding Jones; the bill for the relief of Captain Stanton Sholes; the bill for the relief of John Wells; the bill for the relief of Beck and Harvey; the bill for the relief of Lewis Joseph de Beaulieu; the bill for the relief of Christopher Miller; the bill for the relief of Samuel B. Beall; the bill confirming the title of the Mohican or Stockbridge tribe of Indians; the bill for the relief of certain settlers in the State of Illinois, who reside within the Vincennes land district; the bill for the relief of Martha Flood; the bill for the relief of Charles S. Jones and Richard Buckner, jr., administrators of William Jones; the bill for the relief of the heirs and representatives of Isaac Melchior, deceased; the bill for the relief of William Coffin and others; the bill for the relief of James Merrill; the bill for the relief of John D. Carter; the bill for the relief of William King; the bill for the relief of Jos. W. Skinner; the bill for the relief of John B. Regnier; the bill for the relief of John Law and Jonathan Elliot, citizens of Washington—

These bills severally passed through Committees of the Whole, and were ordered to be engrossed for a third reading, with the exception of the two following: The bill confirming the title of the Mohican and Stockbridge tribe of Indians; and the bill for the relief of William King. The two last were ordered to lie on the table.

SATURDAY, April 8.

Mr. KENT, from the Committee on the District of Columbia, reported a bill to alter the times of the session of the circuit and district courts in the District of Columbia; which was read twice, and ordered to be engrossed and read a third time on Tuesday next.

Mr. SERGEANT, from the Committee on the Judiciary, to whom was referred the petition of Peter Cardelli, reported a bill to encourage the art of

making new models, and casts of busts, and other things therein mentioned; which was read twice, and committed to a Committee of the Whole.

Mr. S., from the same committee, reported a bill to authorize the Secretary of State to issue letters patent to Henry Burden; which was read twice, and committed to a Committee of the Whole.

Mr. S. also reported a bill for the relief of Susannah Stewart; which was read twice, and ordered to lie on the table.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill for the relief of Daniel Bickley and Catharine Clark, administratrix of John Clark, deceased; which was read twice, and committed to a Committee of the Whole.

On motion of Mr. LINN, the Committee on Military Affairs were directed to inquire into the expediency of providing, by law, a more effectual remedy to prevent duelling in the Army and Navy of the United States and in the District of Columbia.

A motion was made by Mr. COCKE, that the House do now proceed to consider the resolution submitted by him on the 6th of March last, for an inquiry into the expediency of reducing the Naval Establishment; and, the question being taken, it was determined in the negative.

The bill from the Senate, entitled "An act providing for the better organization of the Treasury Department," was read twice, and referred to the Committee on the Judiciary.

The bill from the Senate, entitled "An act further to amend the Judicial System of the United States," was read twice, and referred to the Committee on the Judiciary.

The bill from the Senate, entitled "An act for the relief of the legal representatives of Tench Francis, deceased," was read twice, and referred to the select committee appointed on the 7th of February, on the memorial of William Tilghman, administrator of Tench Francis, deceased.

The House took up, and proceeded to consider, the message from the Senate, asking a conference upon the disagreeing votes of the two Houses, on the second amendment proposed by the Senate to the bill entitled "An act making appropriations for the military service of the United States for the year 1820:" whereupon,

Resolved, That this House *insist* on their disagreement to the said amendment, and agree to the conference asked by the Senate, on the subject matter of the said amendment, and that managers be appointed to attend the said conference on their part.

Ordered, That Messrs. COCKE, TAYLOR, WARFIELD, BECHER, and TYLER, be appointed managers on the part of this House.

Engrossed bills of the following titles, to wit: An act for the relief of Louis Joseph de Beaulieu; an act for the relief of Beck and Harvey; an act for the relief of William Coffin and others; an act for the relief of Fielding Jones; an act for the relief of Captain Stanton Sholes; an act for the relief of Christopher Miller; an act for the relief of

APRIL, 1820.

District Banks.

H. OF R.

Samuel B. Beall; an act for the relief of certain settlers in the State of Illinois, who reside within the Vincennes land district; an act for the relief of Martha Flood; an act for the relief of James Merrill; an act for the relief of Charles S. Jones and Richard Buckner, jr., administrators of William Jones; an act for the relief of John D. Carter; an act for the relief of the heirs and representatives of Isaac Melchior, deceased; an act for the relief of Joseph M. Skinner, administrator of George Skinner, deceased; an act for the relief of John B. Regnier; an act for the relief of John Law and Jonathan Elliot; an act for the relief of Jacob Konkopot, and others, of the nation of Stockbridge Indians; and an act for the relief of Elkanah Finney—were severally read the third time, and passed.

An engrossed bill for the relief of James Mackay, of the Territory of Missouri, was read the third time, and the question was stated, Shall it pass; when

Mr. PINDALL moved that the said bill be recommended to the Committee on Private Land Claims, with instructions so to amend the same as to provide for a trial of the validity of the claim of James Mackay before a judicial tribunal.

Mr. RHEA then moved that the said bill be postponed indefinitely; which latter motion was rejected; and the question was then taken on the motion to recommit the bill, with instructions; and passed in the affirmative.

An engrossed bill for the relief of John Wells, was read the third time; and, on motion of Mr. LOWNDES, the bill was committed to the Committee of Ways and Means.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting sundry documents, containing the information required by the resolution submitted by Mr LOWNDES on the 30th ultimo, in relation to the conduct of Captain Biddle, and the cruise of the Ontario in the Pacific ocean; which were ordered to lie on the table.

MONDAY April 10.

The SPEAKER laid before the House a letter from the Secretary of the Navy, transmitting additional documents in relation to the cruise of the sloop of war Ontario; which were ordered to lie on the table.

Mr. SILSBEE, from the Committee on Naval Affairs, made an unfavorable report on the petition of Captain Samuel C. Reid, in behalf of himself and the other officers and crew of the private armed brig General Armstrong; which was read, and ordered to lie on the table.

Mr. SERGEANT, from the Committee to which was referred the bill from the Senate, entitled "An act for the relief of the legal representatives of Tench Francis, deceased," reported the same, without amendment, and it was committed to a Committee of the Whole to-morrow.

Mr. PINDALL submitted the following resolution:

Resolved, That a committee be appointed to inquire

into the expediency of providing by law for the payment of pensions in the counties, parishes, or townships, in which the pensioners reside.

The resolution was read; and, on the question to agree thereto, it was determined in the negative.

On motion of Mr. COCKE, the Secretary of the Treasury was directed to transmit to this House an account of the annual receipts and expenditures of the Department for Indian Affairs within the District of Columbia, from its establishment to the present time, with a statement of the nature and extent of the contracts entered into, and with whom; also, the amount of moneys due to the said establishment, and by whom due.

Mr. SMYTH, from the Committee on Military Affairs, who were instructed, on the 28th January last, to inquire into the expediency of providing by law for the allowance of bounty land to soldiers who enlisted in the late war, and who procured substitutes, made a report, that it is not expedient to provide for the allowance of the said bounty; which was read, and ordered to lie on the table.

On motion of Mr. WARFIELD, the Committee of Ways and Means were instructed to inquire into the expediency, of providing by law for the payment of any balances due by the Government to collectors of the internal revenue.

On motion of Mr. CASE, the Committee on the Public Buildings were directed to inquire into the practicability of rendering the Hall of Representatives convenient for the transaction of public business.

Mr. HARDIN moved that the select committee to which is referred the resolution from the Senate fixing a period for the termination of the present session of Congress, be discharged from the further consideration thereof. The motion was negatived.

Mr. COBB then moved the following order:

Ordered, That the committee to whom was referred the resolution from the Senate, on the subject of the adjournment of Congress, be directed to report thereon to-morrow.

The question was taken, Will the House now proceed to consider the same, and determined in the negative?

An engrossed bill, entitled "An act for the relief of William Pancoast," was read a third time, and passed.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, transmitting sundry statements in relation to the operations of the mint of the United States; which was ordered to lie on the table.

DISTRICT BANKS.

The House then, according to the order of the day, resolved itself into a Committee of the Whole, (Mr. STORRS in the chair,) on the bill concerning the District Banks. [This bill provides—

Sec. 1. That the charters of all the incorporated banks that now pay specie on demand be extended until the 16th June, 1825.

Sec. 2. Should any of said banks refuse to pay specie or lawful currency of the United States on demand, they are to pay an interest of 10 per cent. per annum

until payment of such demand is made, and Congress is empowered forthwith to revoke their charters, and provide for settling their accounts.

Sec. 3. No bank to issue, re-issue, or receive in payment or deposit, any bill, note, &c., under five dollars, after the 1st January next, except to receive such note or notes as may have been issued before that time in exchange for current coin or a debt due such bank. Charter forfeited for offending.

Sec. 4. Any officer of a bank who shall conceal, embezzle, or connive at the concealment or embezzlement of any property of a bank, to be adjudged a felon, and imprisoned not more than ten years, and fined not less than 1,000 nor more than 20,000 dollars—one moiety to the United States, the other to the informer—all debts due by him to said bank being first satisfied.

Sec. 5. Any bank ceasing to pay on demand—no officer or director of said bank permitted to buy up, in person or by agent, or receive in payment any note or bill of said bank at a less price or value than its face purports it to be worth—for each offence, to be imprisoned for one month, and pay thrice the value of such bill or note.

Sec. 6. The present charter of the Bank of Columbia revoked on the 1st January, 1822, and rechartered on the same footing of the other District banks, until the 16th June, 1840.

Sec. 7. Revokes the charter of the Franklin Bank of Alexandria, and provides for settling their accounts.

Sec. 8. The president and directors of each bank to file their declaration in writing in the office of the Secretary of the Treasury, within six months, assenting to the terms hereby granted, or to forfeit their charter, and settle their accounts, as allowed the Franklin Bank of Alexandria.

Sec. 9. Prohibits any corporation within the District of Columbia, other than said banks, issuing or discounting notes or bills after the first of January next—any mayor, alderman, councilman, &c., for each offence to pay not less than 100 nor more than 1,000 dollars.

Sec. 10. Any person who, shall sign, countersign, or endorse, any note, bill, &c., as aforesaid, in addition to said penalty, to be imprisoned not less than three nor more than twelve months.

Sec. 11. Declares null and void all drafts, bills, &c., given in payment for money discounted by any corporation, contrary to the provisions of this act, whether such bills are made payable to such corporation, or to any person as agent or trustee.

Sec. 12. Any mayor, alderman, councilman, clerk, &c., that shall, after the 1st of January next, issue and pass into circulation any bill or note as aforesaid, to incur all said penalties, notwithstanding said note may be signed prior to the said 1st day of January.

Secs. 13 and 14 provides for the consolidation of the banks of Alexandria into two banks, with a capital of one million of dollars each, to take place by written articles of association, prior to the 16th of June, 1825; provided they continue until that period. Charters to extend to the 16th June, 1840, subject to the present rules, conditions, &c., of the Farmers' Bank of Alexandria, and also to the rules, conditions, &c., of this act.

Sec. 15 provides in a similar manner for the consolidation of the banks of Georgetown, other than the Bank of Columbia, into one bank, with a capital which, added to the capital of the Bank of Columbia, shall

make the sum of two millions of dollars, and no more, subject to the present rules, conditions, &c., of the Farmers and Mechanics' Bank of Georgetown, and also to the rules, &c., imposed by this act.

Sec. 16 contains like provision for the consolidation of the Bank of Washington and the Patriotic Bank, with a capital of one million of dollars.

Sec. 17 in like manner extends the charter of the Bank of the Metropolis, with permission to augment their capital to one million of dollars.

Secs. 18 and 19 prescribe the modes of proceeding of such banks and stockholders as may or may not accept the provisions of this act.

Sec. 20. All banks in the District, except the Franklin Bank of Alexandria, from and after the 1st January, 1820, to pay one-sixth of one per centum on its capital stock, after netting six per centum to its stockholders, to constitute a school fund for the education of indigent children in each town. Each bank, semi-annually, on paying their dividends and the aforesaid one-sixth of one per centum, to render an exact account of its condition to the Secretary of the Treasury. On failure thereof, or an attempt to defraud the fund aforesaid, Congress have power to declare the charters null and void.

Sec. 21. This act to be in force from and after the passage thereof.]

Mr. COBB moved to amend the bill by striking out the whole of it, except the enacting clause, and inserting in lieu thereof the following:

"That, for the purpose of enabling the several banking institutions within the District of Columbia to close their business and concerns, the several charters of the said banking institutions, as the same now exist, shall be and the same are hereby extended for and during the term of — years, from and after the first day of June next; from and after which day, the said several charters of each and every banking institution within the said District shall cease and determine."

Mr. COBB delivered his sentiments at some length in favor of this proposition.

When the reporter entered the hall—

Mr. MERCER was on the floor. He was examining the condition of the banks of the District, and comparing it with that of others in the United States; to which, he contended, they stood in no disadvantageous comparison. He then proceeded to reply to an observation which had been made, to the effect that the Branch Bank of the United States was competent to do all the actual transaction business of the District. This he denied on various grounds: the evils of a moneyed aristocracy; the distinction of interests in the District, requiring separate institutions for each; the impracticability of calling in, within any reasonable period, the amount of debt due to the banks, especially without substituting for it something like an equal amount of bank capital—which it could not be expected that the Bank of the United States would draw from the commercial cities where it is now employed.

Mr. WARFIELD followed, on the same side of the question. He denied that the bank capital of the District is too large, when we take into view the great extent of country in Virginia, and that portion of Maryland depending on the District for a market for its produce. No fraud, or misconduct,

APRIL, 1820.

District Banks.

H. OF R.

or want of punctuality, on the part of the banks, had been alleged; no petition had been presented from any part of this District, or from any portion of the United States, against a renewal of the charters of the banks. In no part of the Union had the increase of population or the progress of improvement been more rapid than in this District. The inhabitants were an enterprising people, and had done much within a short time. Their enterprise ought not to be cramped, nor their exertions paralyzed by the destruction of the banks, &c. The branch bank here, he contended, could not be competent to the business of the District; nor would it be wise, he said, to make the interests of the banks exclusively dependent on that institution, &c. For these, and other reasons, he was opposed to the motion before the Committee.

The question was then taken on Mr. COBB's motion, and decided in the negative by a large majority.

Mr. McLEAN, of Kentucky, moved to amend the bill by adding to it a provision to make the individual property of the stockholders of the banks liable for all the debts of the banks.

Mr. MERCER remarked that this provision was unprecedented in any other bank charter in the United States; which, itself, was a strong argument against the amendment.

Mr. McLEAN defended his amendment. The constitution of one of the States, he said, contained a provision that no bank should ever be incorporated therein without such a fundamental condition. If to be found in the charter of no other bank, it was high time the principle should be established, for reasons which he urged at large; and neither here, nor anywhere else, would he vote for the charter of any bank which did not contain such a provision.

Mr. BRUSH objected to the *ex post facto* operation of this proposition, as it would go to change the nature of existing contracts. He had no objection, he said, to modify it so as to operate prospectively.

Mr. WARFIELD spoke against the motion.

Mr. McLEAN modified his motion so as to make it take effect from and after the expiration of the present charters of the banks.

Mr. MERCER made some observations to show that such a provision was unnecessary, and would be oppressive, and, therefore, ought not to be incorporated in the bill.

Mr. McLEAN replied. Among other arguments, he likened banks to associations or partnerships for carrying on mercantile or trading business, of which, no one ever doubted that every partner in the concern was liable for the debts of the firm, &c.

Mr. MERCER again spoke in reply to Mr. McLEAN, and in vindication of the present provisions of the bill for securing the due administration of the banks, &c.

Mr. CLAY, after expressing his indisposition to amend this bill, understanding it had been arranged according to the wishes of the people of the District, made some remarks in favor of a prompt disposition of this question, and a curtailment of debate, with a view to the shortness of the remainder

of the session, which would be left for the consideration of other important subjects.

Mr. COBB, in the course of some remarks in reply to Mr. CLAY, said that the Speaker was under a mistake in supposing that this bill was framed in accordance with the general wishes of the people of the District.

Mr. CAMPBELL spoke in favor of the amendment, and Mr. TUCKER, of Virginia, also made a few remarks upon it.

Mr. MERCER spoke in reply to the suggestion of Mr. COBB, above stated. With a few exceptions in Alexandria, and the exception of a single gentleman on this side of the District, he had heard of no dissatisfaction of the people of the District with the provisions of this bill.

The question was taken on Mr. McLEAN's motion, and decided in the negative by a large majority.

Various other amendments were proposed and successively rejected, on which debate took place, in the course of which Mr. MERCER distinguished himself in defence of the bill.

Mr. CLAY then made a motion to amend the bill by adding thereto a new section, as follows, viz:

"And be it further enacted, That nothing herein contained shall prevent, or be construed to prevent Congress from repealing or modifying the whole or any part of this act, whenever they shall think proper."

This motion was agreed to without debate or opposition.

Mr. METCALF then moved to strike out the first section of the bill, with a view to destroy it.

Mr. METCALF spoke as follows:

I am aware, said he, of the exhausted patience of the Committee; but, as I am not in the habit of speaking often, and do not intend to speak long, I am induced to claim the indulgence of members for the purpose of giving, as concisely as possible, my views of this interesting subject.

With my respected colleague, who thinks it unnecessary at this time to enter deeply into the great principles upon which those institutions are founded, I cannot agree; and only regret that my inclination is not better supported by the qualifications necessary for the investigation of those principles.

The gentleman from Virginia very zealously entreats us to recharter these banks for the purpose of giving them time to wind up their business. But, since the rejection of the amendment which was just now offered, the object of which was to bind the property of individual stockholders, I am apprehensive that they are to wind up without taking in their notes, as some other banks of the District, which have been named by the gentlemen from Virginia in debate, have done.

During this discussion, we have been called on by gentlemen from various quarters to regard very sacredly the rights of the people of this District, and not to suffer our friendly feelings for the United States Bank to influence us against those of the District.

It is my sincere desire to deal tenderly with the rights of these citizens, and in all things to do them at least ample justice, because they have no other tribunal to whom they can look for legislative

protection; but I am unwilling to extend to them a privilege which, in my opinion, should never again be extended to any portion of the citizens of this Republic. And it is quite certain that I am not influenced by feelings of friendship for the United States Bank. From this institution I anticipate the most serious evils to my country. Perhaps these evils may never be found to exist, except in my own imagination; but I cannot help viewing the United States Bank as the darkest speck which at this time is to be seen on the escutcheon of American liberty.

But, sir, if the able writers and eloquent statesmen who have lately disrobed these wicked, these insidious spectres, and exposed them naked to public view in all their deformity, together with their practical effects on society, as have been of late years, and are now so obviously, so manifestly experienced, do not flash conviction on the minds of the multitude, and arouse them in opposition to those brazen-fronted corporations, it will fill the enemies of free government with joy to think that they have at least a plausible pretext for the assertion which they have so often and so maliciously reiterated, "that a community of individuals are incompetent to the task of self-government."

Some of the ablest pens, and of the most eloquent statesmen and orators that adorn the present, and would have adorned any other age, have attempted a generous, a manly, a noble resistance to banking systems such as we have established in this Government, with no one principle of equity or of justice in them. Sparks of fire have been elicited and sent forth in burning streams among the people. And is it true that they cannot be aroused from their apathy? I hope it is not true. I trust the materials are combustible, and that a sacred glow of patriotism will at last light up their souls; and that a love of virtue, of justice, of equality, and of all the genuine, but violated principles of this happy Government, will determine them to resist the bold and daring encroachments made upon their rights by banking corporations.

In the first place, it does appear to me that one of the principal causes of the many blunders committed by American statesmen arises from this plain and simple circumstance. They are too apt to look beyond the waters for example. They bring all their materials from abroad; they go to monarchies, aristocracies, and hierarchies; examine minutely and critically every pin and wheel in the whole machinery by which those Governments operate; and, as I think, without due reflection, attempt the introduction of this unsuitable, this inappropriate and unhallowed kind of machinery into this free Government. They pluck from Governments which were established for the special and exclusive benefit and advantage of those who govern, of their minions and privileged orders, all the materials with which they propose to set in motion a Government that seeks to extend its benefits and advantages alike to all its citizens without distinction—all the materials out of which they propose to build the grandest, the noblest, the most stupendous work of human liberty, of human wisdom, and of human happiness.

This is a mighty error, and one that a little experience ought to correct. Can it be expected that such adverse principles will harmonize? Can it be supposed that such discordant elements will commingle and settle down in a placid union? To produce such a reconciliation would require all the nice, the subtle, the keen-eyed, the hairsplitting, and technical refinement of the present day; but I am sure it would baffle, completely baffle, good old-fashioned, practical, solid common sense; by the standard of which it would be found to be utterly contrary to the nature of things.

European writers, it is true, have attempted to prove the utility of banking institutions by the good effects which they are pleased to say resulted from them, in various parts of the old world, for the last six or seven hundred years. In Venice, Genoa, Amsterdam, France, England, and in many other places, they have made the experiment. And though it is acknowledged that at one time the most serious and distressing calamity was brought upon the French nation by one of these deceptive institutions, yet it is insisted that, with this exception, and that of the South Sea Company, and perhaps a few others of a similar character, they were not found to be mischievous.

They tell us that facilities were afforded to commerce, and it flourished; that towns and cities sprang up as if by magic, and all this. But they do not tell us that these wonder-working institutions extended alike to all classes of the citizens, under those Governments, the same benefits, comforts, and advantages, to the multitude who composed the physical strength of these nations, as well as to the few who govern them. No! their history would contradict the assertion. We know that the multitude were degraded, poor, and miserable, without either the prospect or hope of relief; and at their expense the few rioted in excess and in the most luxurious enjoyments.

Then, if it be true that those are the best Governments that dispense the greatest portion of human happiness, it does seem to me that there was, and is, a great deficiency in the Governments of which I have spoken, their banking corporations notwithstanding.

A nation may erect the most splendid temples—walls and towers of the most costly workmanship: pyramids, if you please, of invisible height. Or it may vest its millions and millions, as we have done, in one proud Capitol, supported on its numerous and lofty columns of polished marble, and still this is no proof of a nation's prosperity, or of the happiness of the people. So many towns and cities spring up by unjustly concentrating the labor and resources of a whole community, and applying it to that particular purpose. But, I repeat it, that, instead of this being a proof of a nation's prosperity, or of the happiness of the people, the contrary, in the general, is precisely the fact. These monuments of a nation's folly and extravagance, almost always take root in, and grow out of, oppression. Just such oppression as the banks of which I have spoken, and all others which may have been established on similar principles, had the power of inflicting, and did inflict on the multitude.

APRIL, 1820.

District Banks.

H. OF R.

To what class, according to political writers, does this privileged order, who are incorporated into a paper aristocracy, or, if you please, into a moneyed aristocracy, belong? Surely not to the productive classes. They produce nothing substantially or intrinsically valuable to the community, we all know. They barely serve to put in motion a machine, which, by its silent and secret manœuvring and contrivance, has the power most artfully to transfer the substance, the earnings, and property, of those who are productive, to the sole use, benefit, and behoof of themselves, and of other idle consumers.

As a late and able writer of Virginia has very justly said on this subject, "These corporations have the power to apply their law-chartered tubes to the great body of those whose labor is productive, and, unperceived, to draw away their substance, as the vampire is said to suck the blood from those who are asleep." Dr. Smith, however, has amused us with a very ingenious and fanciful description of banks. And as he is from beyond the waters—a subject of the good old mother country—consequently his work must be more entitled to our serious consideration than the work of the writer of whom I have just now spoken, than the son of Virginia—that truant daughter of this same good old mother.

The right fanciful Doctor has told us of roads leading to and from the banks, through the air, where carriages might run, (and I presume he might have said with at least the rapidity of a velocipede.) But these doctrines are not suited to a plain, homespun, matter-of-fact republican people. Is it not less hazardous for republicans to travel on the ground? Be it mountainous or level, rocky or smooth, give me good old terra firma.

Besides, I do not think it fair that the multitude should be taxed for the purpose of furnishing a balloon, and gas, and whatever else may be necessary for these airy travellers, without participating in their enjoyments; and I do most seriously dread the consequences about the time they are doomed to light! For human bodies to fly, is nothing—nothing at all. Perhaps a republican might fly. But, how is he to light? There lies the rub! And, depend upon it, that sooner or later, these aerial voyagers must light: and a sore fall they will have of it, either to themselves or to those upon whose heads they happen to descend, or to both.

However, in a government composed of privileged orders, and set in motion by that awkward and ill contrived machinery called checks and balances, a banking institution might be less mischievous. If properly poised, it might enable the commercial interest to check the usurpations of a feudal aristocracy. But even then it would soon become the task-master of the manufacturer, and all others under its control, as the feudal baron is the task-master of the actual tiller of the soil.

Again, sir: I hold the doctrine which I have somewhere seen to be undeniably true: "that all those who identify themselves with banks not founded on principles of mutual justice and security, have an interest adverse to the interest of the

balance of society; that from the very nature of such an institution it is doomed to make continual and unceasing war upon the just rights of the balance of society." Now, man is said to be the creature of motive, and avarice a strong and almost irresistible passion. If, then, you would excite those who are high in power to useful action, give them no interest separate and distinct from the interest of the balance of society. Lead them not into temptation, for if you do you have not the power to deliver them from evil. And those who are thus situated will soon become too arrogant to ask that deliverance from Him who alone has the power to grant it. By the establishment of a bank, such as this which we have nicknamed (if it be not treason to mention it) the "United States Bank," with its various branches extending to the different States, the interest of the highest officers, Executive, Legislative, and Judicial, both of the General and State Governments, may become identified with the bank, and consequently inimical to that of the people. Now, I confess that I do not like to see the most exalted and virtuous characters thus situated; and I consider it very bad policy so to place them.

There is another objection, and one which, in my humble opinion, ought of itself to be sufficient to prevent the introduction of banks into any country: I allude to banks established on similar principles, and vesting the managers with similar powers to those which have heretofore been established by this or by any of the State governments, as far as my knowledge of them extends. They destroy all stability in the price or value of property. The managers of these mints can mingle, alloy, or purify the currency at pleasure; they can enhance or depreciate the value of property at will; they, and they alone, know when to buy and when to sell, so as to make the most advantageous speculations; they may keep the prices of property continually changing and fluctuating, the better to deceive, cheat, and defraud the citizen out of that property. Not to have a uniform standard of weights and measures is a most distressing evil in any country; but by no means so distressing as that of a fluctuating bank currency. No, I know of no evil so complicated, or of equal magnitude to that which is so snugly wrapt up in a legal mantle; so completely hidden and concealed from public security. How are your industrious and productive classes to guard against the effects of these terrible institutions? They cannot repose in safety under them; they must abandon their useful avocations, and keep their eyes (if I may be permitted to use a military phrase) continually turned upon the fugleman; they must become intimately acquainted with the arts and management of this dextrous juggler, by way of self-defence; and in doing so, they cease to be virtuous, useful, or productive: they become infected with poison, and in their turn begin to cheat and swindle—and thus the whole society becomes corrupt.

If you would have a virtuous and patriotic people, create no privileged orders. Protect individual industry and enterprise. Give no one class of your citizens any advantages over the next; and

they will all of them rally around the standard of liberty and equality in times of danger. Yes; of liberty and equality, terms much abused here, as well as they have been in France and elsewhere; but, like the Christian religion, which has also been much abused everywhere; yet it is not the less true or the less righteous in itself, on that account. Then do not infer that I am in favor of a system of levelism as it is called. Or that, like ambitious Cæsar, I would be in favor of the passage of agrarian laws. I would not take one cent from the industrious and frugal economist for the purpose of dividing it with the idle and worthless prodigal. No; but I would have the Government to speak to all its citizens, as the just parent does to all his children; where there are no laws of primogeniture, of the good things of this life, give to each an equal portion; the same protection, the same benefits and advantages in all things, to each should be generously extended; and under Providence let the success and prosperity of each depend upon himself. These are the principles that constitute the pride and the glory of the American Republic—principles that ought to be cherished, that ought to be engraven on the heart, that ought to be indelibly impressed on the mind of every sincere friend to the perpetuation of republican liberty in its purity.

When Mr. M. had concluded—

The question was taken on agreeing to his motion, and decided in the negative without a division.

The Committee then rose, and reported the bill to the House as amended.

The amendment (moved by Mr. CLAY) agreed to in Committee of the Whole was concurred in.

Mr. McLEAN renewed the amendment which he proposed in Committee of the Whole, with this variance, that the individual liability of the stockholder was now proposed to be confined to the amount of stock held by him.

This motion gave rise to some debate, in which Messrs. McLEAN, MERCER, BRUSH, and HARDIN, took part.

After which the motion was negatived; and the bill was ordered to be engrossed for a third reading without any other amendment than that moved by Mr. CLAY.

TUESDAY, April 11.

Mr. ANDERSON, from the Committee on the Public Lands, reported a bill to annex certain lands within the Territory of Michigan to the land district of Detroit; which was read twice, and ordered to be engrossed and read a third time on Monday next.

Mr. ANDERSON, from the same committee, also reported a bill for the relief of Margaret Perry; which was read twice, and committed to a Committee of the Whole.

Mr. SERGEANT, from the Committee on the Judiciary, to which was referred the bill from the Senate, entitled "An act providing for the better organization of the Treasury Department," reported the same without amendment, and the bill

was committed to a Committee of the Whole to-morrow.

Mr. SMYTH, from the Military Committee, who were instructed to inquire into the expediency of providing a more effectual remedy against duelling in the Army and Navy and in the District of Columbia, made a report, in which they state, "that they consider the existing law as amply sufficient, if executed, to repress duelling in the Army," and they therefore ask to be discharged from further inquiry on the subject. The report was adopted by the House.

Mr. SMYTH, from the same committee, made report on the memorial of Nathaniel Hall Loring, Thomas Ragland, Charles Rutledge Holmes, Charles R. Vining, and Wilson M. C. Fairfax, late cadets at the Military Academy at West Point; which was read, and ordered to lie on the table.

Mr. SERGEANT, from the committee appointed on the petition of Joseph E. Bloomfield, on behalf of Richard S. Hackley, made report thereon; which was read, when Mr. S. reported a bill for the relief of Richard S. Hackley; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. ROBERT MOORE, from the committee appointed on the petition of John Webster, made a report thereon, which was read; when Mr. M. reported a bill for the relief of the said John Webster; which was read twice, and committed to a Committee of the Whole to-morrow.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: "An act to authorize the erection of a lighthouse on one of the Isles of Shoals near Portsmouth, in New Hampshire;" and "An act declaring the consent of Congress to an act of the State of Georgia," passed the 19th of December, 1818; in which bills they ask the concurrence of this House.

The said bills were read twice and severally referred to the Committee of Commerce.

Ordered, That the Committee of the Whole, to which is committed the bill from the Senate, entitled "An act to continue in force the act passed on the 20th day of April, 1818, entitled 'An act supplementary to an act entitled An act to regulate the collection of duties on imports and tonnage,' passed the second day of March, 1799," be discharged from the further consideration thereof.

The House then proceeded to consider the said bill; and having amended the same, the amendment was ordered to be engrossed, and the bill read a third time to-morrow.

An engrossed bill, entitled "An act to alter the times of the session of the circuit and district courts in the District of Columbia," was read the third time, and passed.

The House resolved itself into a Committee of the Whole on the bill for the benefit of the Columbian Institute, established for the promotion of arts and sciences in the City of Washington. The bill was reported with an amendment, which was read, and concurred in by the House.

Mr. COOK moved further to amend the said bill by adding thereto the following proviso:

APRIL, 1820.

Proceedings.

H. OF R.

"And provided further, That whenever the same may be required for the public use, that their right shall cease and expire."

And on the question to agree thereto, it was determined in the negative. The bill was then further amended: when Mr. COCKE moved that the said bill be postponed indefinitely; which motion being rejected, the bill was ordered to be engrossed, and read a third time to-morrow.

The rest of the day was occupied in Committees of the Whole, in which the following mentioned bills were taken up and ordered to be engrossed for third readings to-morrow, viz: A bill for the relief of Stephen Baxter; a bill authorizing the sale of a part of the glebe of Rock Creek Church; a bill for the relief of John McGrew, Richard Cravat, Hardy Perry, and Beley Cheney; a bill for the relief of the representatives of Henry Willis; a bill for the relief of Angus O. Frazer and others; a bill giving the right of pre-emption to James Shields; a bill for the relief of Joseph Bruce; a bill for the relief of Ann McIntire, administratrix of Andrew McIntire; a bill for the relief of the heirs of Abijah Hunt and William G. Forman; a bill for the relief of Thomas Withers; a bill for the relief of Daniel Converse and George Miller; a bill for the relief of the widow of John Heaps, deceased; a bill for the relief of Daniel Bickley and Catherine Clark; a bill for issuing letters patent to Henry Burden.

The following mentioned bills also passed through Committees of the Whole, and were subsequently ordered to lie on the table in the House, viz: A bill for the relief of Margaret Hall, late Margaret McKenzie; a bill for the relief of Berryman Green, administrator of Samuel Kerby, deceased; a bill for the relief of General James Wilkinson.

Mr. COCKE, from the managers at the conference, on the disagreeing votes of the two Houses on one of the amendments of the Senate to the military appropriation bill, reported that the committee of conference had met, conferred, and were unable to come to any agreement on the subject. The report was read, and ordered to lie on the table.

WEDNESDAY, April 12.

Mr. BALDWIN presented a memorial of the Pennsylvania Society for the encouragement of American manufactures, praying that further protection and encouragement may be extended to the manufacturing interest of the country generally; which was referred to a Committee of the Whole.

Mr. PINCKNEY presented a memorial and petition of sundry merchants and underwriters, of the city of Charleston, in South Carolina, praying compensation for spoiliations committed on their lawful commerce, by cruisers under the French flag, between the year 1793 and the year 1800, their claims to which, upon the Government of France, for indemnity, were abandoned on the part of the United States, in the convention of the 30th of September, 1800; which memorial and petition was ordered to lie on the table.

A message from the Senate informed the House

that the Senate have passed a bill, entitled "An act supplementary to an act, entitled 'An act concerning navigation;' in which bill they ask the concurrence of this House.

The bill from the Senate, entitled "An act to continue in force the act passed on the 20th day of April, 1818, entitled 'An act supplementary to an act entitled An act to regulate the collection of duties on imports and tonnage, passed the 2d day of March, 1799,'" was read the third time as amended. Whereupon, the said bill was further amended, by unanimous consent. The question was then taken, Shall the said bill pass, as amended? and passed in the affirmative. The title of the bill was then amended, by adding thereto the words: "and for other purposes."

Engrossed bills of the following titles, to wit: An act for the benefit of the Columbian Institute, established for the promotion of arts and sciences, in the City of Washington; an act to authorize the sale of part of the glebe of Rock Creek Church, in the county of Washington, in the District of Columbia; an act for the relief of Stephen Baxter, late paymaster of the third regiment of New York volunteers; an act for the relief of John McGrew, Richard Cravat, Hardy Perry, and Beley Cheney; an act for the relief of Angus O. Frazer, and others; an act for the relief of Joseph Bruce; an act for the relief of the heirs of Abijah Hunt, and William Gordon Forman; an act for the relief of Thomas C. Withers; an act for the relief of Daniel Converse and George Miller; an act for the relief of the widow of John Heaps, deceased; an act for the relief of Daniel Bickley and Catharine Clark, administratrix of John Clark, deceased; an act authorizing the Secretary of State to issue letters patent to Henry Burden—were severally read the third time, and passed.

An engrossed bill, entitled "An act giving the right of pre-emption to James Shields," was read the third time, and the question was stated, shall it pass? When Mr. COCKE moved that the said bill be postponed indefinitely; which motion being rejected, the question was then taken, Shall the bill pass? and passed in the affirmative.

The engrossed bills for the relief of the legal representatives of Henry Willis, and for the relief of Ann McIntire, were severally read a third time; and the first was, on motion of Mr. ROBERTSON, ordered to lie on the table; and the second, on motion of Mr. CAMPBELL, was referred to the Committee of Ways and Means.

The report made yesterday by the Committee on Military Affairs, on the memorial of Nathaniel Hall Loring, Thomas Ragland, Charles Rutledge Holmes, Charles R. Vining, and Wilson M. C. Fairfax, late cadets at the Military Academy at West Point, was, on motion, recommitted to the Committee on Military Affairs.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of John H. Piatt," in which they ask the concurrence of this House.

The said bill was read twice, and referred to the Committee of Claims.

Mr. SERGEANT, from the Judiciary Committee, offered the following report:

The Committee on the Judiciary, to whom was referred the bill from the Senate "further to amend the judicial system of the United States," report, that they have had the same under consideration. The bill proposes to form the district of East Tennessee and that of West Tennessee into one circuit; and to appoint a judge for the same circuit, with a salary of three thousand dollars a year, and with all the powers of a circuit judge within the circuit so established. The committee are of opinion that it would be inexpedient to make such an innovation upon the existing judicial system. It will probably become necessary, at no very distant time, to make some general change, and, in the mean time, the committee think no partial alteration ought to be permitted essentially inconsistent with the present arrangement, and difficult to reconcile with any future systematic measure. Such would be the proposed establishment for the districts of Tennessee. The committee, therefore, respectfully recommend to the House not to concur in the said bill.

The bill and report were ordered to lie on the table.

DISTRICT BANKS.

The bill "concerning the banks in the District of Columbia," was read a third time; and the question being stated—"Shall the bill pass?"

Mr. FLOOR moved to postpone the bill until the next session of Congress, on the ground as well of opposition to incorporating anew so much bank capital, as of a doubt whether the bill was acceptable to the people of the District generally. He added that there was no occasion for haste on the subject, inasmuch as none of the charters of the present banks would expire before the 4th day of March next; and there would be time enough at the next session of Congress to act upon the subject.

Mr. CULPEPER hoped the motion for postponement would not prevail. It was true, he said, that the charters of the banks would not expire before the next session of Congress; but it was equally true, that, under the apprehension that the charters would not be renewed, curtailments of their debts would necessarily be made, which in these times would produce much distress among the people. It had been said, that the Branch Bank of the United States could furnish sufficient bank accommodation for the people of the District. Mr. C. said it could not do it, and, if it could, he was not willing to put the people of the District wholly into the power of the Bank of the United States.

Mr. MERCER opposed the postponement, with the same earnestness which he had shown in the previous debate on this subject. With respect to the sense of the inhabitants of the District, he said it was almost unanimous in favor of the bill. He had scarcely heard the voice of complaint against it; and, he supposed enough had appeared to satisfy any man, that a large majority of the people were in favor of this bill.

Mr. COBB said, he was opposed to this bill, in any shape; but was further opposed to it because he believed it was not generally acceptable to the

people of the District. So far as it respected the merchants, bank directors, and that class generally being in favor of this bill, he had no doubt of the fact. It is their bill, said Mr. C.—it is to their interest that it should pass. But, if he were to recapitulate all that he had heard against the bill, it would take up more time than he was willing to consume. He knew the gentleman from Virginia was mistaken, when he said there was no dissenting voice, on this subject, among the people of the District. Mr. C. said he had spoken with as respectable men as any in the District, who had told him there was now too much bank capital in the District, and that it ought to be reduced. Objections to this bill, indeed, had reached him in various ways; he had received a variety of anonymous letters on the subject, and, so far from every person being in favor of it, he believed there were very many opposed to it.

Mr. C. then proceeded to take a general view of the question involved in the bill. He adverted to the dissatisfaction which had generally prevailed in regard to the state of the currency; which, it was universally admitted, had proceeded from the multitude of banks of recent creation in the country, whose paper did not circulate beyond their immediate vicinity. And, yet, what was the House about to do? To renew, in this District, the causes which had produced this derangement of the currency. Nay, more, it was proposed by this bill, to increase the capital of these banks from five and a half to six millions of dollars. Let us, said he, set the example of a better policy than that of the adjoining States; and, by the by, he said, it was distinctly understood they were getting sick enough of this bank system. And what, he asked, could the people of this District possibly want with so much bank capital? Not for commerce—a hog's-head of tobacco, or a load of flour, in this city, would gratify any man's eyes. Commerce here was out of the question: every thing done here was a mere huckstering business. But, he said, if this bank capital was granted, it must be turned to profit, and employed in something else besides commerce, &c. He had heard, indeed, that almost all the valuable property in the city was already mortgaged for bank accommodation. Mr. C.'s plan, in fine, was, to let the charters of these banks expire, allowing them five years to wind up their affairs. The Branch of the United States' Bank could issue capital enough for the circulation and business of the District. He should, he said, if the Bank of the United States were now before the House, vote against its establishment, because he had serious doubts about the constitutionality of it; but that was perhaps the only reason—for, say what you please, its paper is the only paper that will answer your purposes, being everywhere at par. The paper of all other banks was uncurrent at a certain distance from their location; and he was unwilling, by voting for this bill, to do any thing to perpetuate such a state of things.

Mr. WARFIELD expressed his surprise at the discussion on the third reading of this bill, after what had taken place on it in Committee of the Whole. He disclaimed any interest in the bill, but that

APRIL, 1820.

District Banks.

H. OF R.

which arose from his observation of the extensive business of this District, and his knowledge of the meritorious character of its population, which induced him to support this bill. Nor had the arguments of the gentleman from Georgia at all affected his views of the subject. With regard to the disorder of the circulating medium, Mr. W. went on to say, it had nothing to do with the paper of this District, in which there was so much confidence that it circulated everywhere freely, as far as his knowledge extended. With regard to the business and trade of this District, certainly the gentleman could not have given himself the trouble to ascertain the real fact. The exports from this District, he believed, exceeded those of the State of Connecticut. During the Winter season, as many as ten thousand barrels of flour had arrived at this place in the course of one day; and the citizens were extensively engaged in the trade of that and other articles for exportation. He had not prepared himself with statements to prove it, but he knew it might be shown that this capital was necessary—and, being now in existence, he was sure it would be productive of great inconvenience to abolish it, &c. With regard to the opinion of the people of the District on the subject of this bill, he believed, from the conversations he had held with them on the subject, that a large majority of them were in favor of the bill.

Mr. BROWN said, if the capital had been reduced to a reasonable amount, he should have no objection to granting new charters for so many banks as should appear necessary. But he thought the proposed amount too large; and, as the charters of the present banks would not expire until the end of the next session of Congress, he could see no great inconvenience which was likely to result from the postponement of the bill. He was therefore in favor of postponing it.

Mr. ROBERTSON was in favor of the passage of this bill, believing it to be the wish of a large majority of the people of this District that it should pass. With respect to those who had been so importunate against it in their letters to Mr. COBB, why, Mr. R. asked, if their motives were correct, had they withheld their names? Mr. R. assigned various reasons why, in his opinion, the bill ought to pass. If it did not pass at the present session, he said, it would become the duty of the banks to call in their debts, and thus oppress the people. Was the House, he asked, disposed to increase the distress, which, from the pressure of the times, the people of this District feel in common with their fellow-citizens? As to postpone this bill to the next session would be to inflict an irreparable injury on the people of this District, he felt himself bound to oppose the motion for postponement.

Mr. FLOOR said, if he believed it would be to the interest of the people of this District to extend the charters of the banks, he would vote for doing so. He would do it even if he believed it to be their wish. His acquaintance in the District was not extensive, but he had not heard a single voice in favor of the bill. And why had not the voice of the people been heard against it? Have you ever heard, said he, the voice of the people raised

against a bank placed in the midst of them? No. Under such circumstances they are held in "duress vile;" the banks hold a rod over them, and their opinions are suppressed. His object was to give the people an opportunity, during the recess, to examine this subject and judge for themselves. The amount of bank capital in this District was excessive. If gentlemen would cast their eyes over this city they would find that the interest of the people had not been much benefited by it—the city being covered with premature ruins and half-finished houses, &c.—which he attributed to the quantity of bank capital employed in it. No injury, he said, could result from a postponement of this subject till the next session of Congress. It was true, it had been said, that some of the charters would expire at the end of the next session of Congress. Congress would no doubt give the banks more time; but should four of the charters be then permitted to expire, there would yet remain nine banks in the District, which he thought was quite enough.

Mr. HARDIN was opposed to the postponement of this bill. If, said he, the banks are not to be rechartered, tell the people so now. For what object is the bill to be postponed? That the people of the District may examine the subject and embody their opinion, has been said. How long, said Mr. H., has this subject been before the House at this session? About four months. In some shape or other, it was also before Congress at its two last sessions. Three years it has been agitated. If this was not time enough for the people to make up their minds on it, the few months of the recess would not afford them time. This motion for postponement was in fact nothing but a left-handed way of defeating this bill. The consequence of its success would be oppression and ruin on a large portion of the people, and inordinate speculations would be made, on the other hand, by those who were not willing to give their names to the gentleman from Georgia, (Mr. COBB.) Men may be able to pay what they owe by selling their property; but when all are sellers and none are buyers, property must be sacrificed at least fifty per cent. below its value—and, in a few years, instead of this city looking like an assemblage of ruins, as one gentleman had said of it, we shall hardly be able to find where it is. Mr. H. said he had not been long acquainted with the city; but, since he had known it, it had greatly improved, and he hoped before long to see it as splendid a city as the capital of a commercial and agricultural—and, as the gentleman from Pennsylvania (Mr. BALDWIN) would have it, manufacturing country ought to be. If this were a question, in the first instance, whether these banks should be chartered, he should vote against it. If it were a question whether a bank should be chartered within the United States, he should vote against it. But that was not the question. These banks have been chartered, some of them twenty years; the commerce and business of the District is predicated on this amount of bank capital. If it were abolished, ruin must follow. This capital was not, he said, confined to the District, but extended

its benefits to the neighboring counties of Virginia and Maryland. Capital, he said further, would regulate itself; and no apprehension need be entertained that more capital would be employed in banking than could be profitably employed.—Again: Mr. H. said he was in favor of rechartering these banks for a political consideration. He had been opposed to chartering the Bank of the United States—he thought it too great an engine of power—a great mammoth, which, at some day or other, would trample under foot the liberties of the country. As long as this was in operation, he would keep in being these banks—which Congress had undoubted power to do—within the District of Columbia; and, as long as they continued specie payments, they would form a sort of counter-current to the overwhelming influence of the Bank of the United States. Let every other bank in the country be destroyed, and we are bound hand and foot at the altar of this stupendous institution. There was, in the charter of the Bank of the United States, he said, a clause providing that Congress should not, during its existence, incorporate any new bank. Let these banks, then, said Mr. H., go out of existence, and the power of counteracting, in any degree, the influence of the Bank of the United States has passed out of your hands forever. With respect to the sense of the people, Mr. H. said, he had corresponded and conversed with many persons in the District on the subject, and he had never heard a single objection to this bill; but, as far as it had been spoken of, it had been thought the best plan for rechartering the banks.

Mr. MERCER spoke to the question regarding the public opinion, and stated various facts to show that from Alexandria there was evidence that a large majority of the population was in favor of the bill; that from Georgetown not a whisper of disapprobation had been heard; and that from Washington he had heard but one dissentient voice on the subject. With regard to the observation of the gentleman from Connecticut, that, if the charters of four banks were suffered to expire, there would yet remain nine, Mr. M. said it was specious rather than solid. This bill proposed, indeed, to reduce them to six in number; but if the reduction were effected by the process suggested by the gentleman from Connecticut, the whole of the debtors of particular banks would be oppressed perhaps to ruin, while the debtors of other banks would wholly escape their fate. Congress had better refuse to charter any; because all would then stand on the same footing. With regard to the supposed oppression of the people by the banks, was it oppression, Mr. M. asked, for the creditor to indulge the debtor? Such was the course of the banks, and which the postponement of this bill will compel them to change. The gentleman from Connecticut had talked about the ruins spread over this city. Now, Mr. M. undertook to say, that there was no ruin in this city but what that gentleman's predecessors had made. In passing daily between the Capitol and his lodgings in Georgetown, he had noticed but one ruin, and that was the ruin of the building in

which the War Office had been placed, and consumed by fire twenty years ago. He knew of no other ruins in the city, except one which arose from the improvident speculations of an individual attempting to build houses he was not able to finish, before there was a bank in the city—and the ruins of the Capitol, which might perhaps be traced to the failure of those, who then represented the gentleman's constituents, to provide the means for its defence.

Mr. MOSELEY spoke against the postponement. He should not have risen, he said, but for the remarks of his colleague and the gentleman from Georgia, one of whom could see nothing but hucksters' shops in the city, and the other nothing but the ruins of Carthage. He then made a brief statement of the extent of the commerce of this District; the purport of which was, that the exports from the District were double the amount of the exports from the State of Connecticut, and that they were greater in amount than those of five of the States of the Union.

Mr. LIVERMORE was opposed to the postponement, but was also opposed to the bill. He did not believe it could be at all necessary to have a bank capital of six millions of dollars in a district of the extent of this, consisting of several small towns or villages, which, put them together, did not amount to a very large trading town. The adjoining country was not very extensive, however fertile, and however respectable the people. He would act upon this bill, he said, as if he were a member of a legislature for this District; and in that view, he could never consent to vote for it. In the course of some other observations against the bill, he enumerated the uses which the people of the District had for money, to pay their judicial expenses, &c., and, in this city, he added, they wanted money to keep the ragged boys and girls from the doors of the Capitol, importuning all who passed in and out, to the disgrace of the District, &c.

Mr. KENT next spoke against the indefinite postponement of the bill. If that motion prevailed, it would destroy the credit of the banks within this District, and would be the signal of oppression to the people. But, it had been said, that the United States' Bank would furnish capital, if the House would consent to put down the banks proposed to be re-chartered by the bill before us. The United States' Bank, Mr. K. said, has not the capital to spare. It has been engaged for some time in reducing its discounts; curtail, curtail, is the cry from every part of the country. Had the mother bank capital to part with, it would have sent more of it here, where its business has been conducted in a correct, satisfactory, and profitable manner. And, as highly as he respected the talents and integrity of the gentleman who presided over that institution, he feared, from the mismanagement of its early administration, it would be some time before it will be able to furnish capital for every part of the country. But, said he, what is the fact? You have a branch here, with what capital the mother bank can conveniently part with, and, notwithstanding that and the number of banks now in existence here, there is one bank, if no more, within

APRIL, 1820.

District Banks.

H. OF R.

this District, that is at this time transacting a business as beneficial to the community, at least that part of it within its sphere, and as advantageous to its stockholders, as any local bank in the United States: and is it possible that this House will consent to put down an institution thus situated, to make the people of this District dependent upon a foreign institution, with the directors of whom they have no acquaintance, of whom they have no knowledge, and who have not a common interest with them in the property and prosperity of the place? For one, I should be unwilling to make my immediate constituents, if they wanted bank capital, dependent on a distant corporation for it, who could grant or withhold it at pleasure; and I am equally unwilling to impose upon this unrepresented people any measure that I should resist being extended to those I represent. The capital of six millions of dollars, Mr. K. said, was provided for this District in the charter granted by Congress to the United States' Bank, and he could not suppose it reprehensible in the committee to give them the amount of capital that had by law been apportioned for them. Again; those who vest their money in bank capital expect something in return for it; and, if it is not wanting, it will yield no profit, and they will withdraw it, for which the bill provides. But a much larger capital can be employed in this District than gentlemen suppose. The cities within it are all young, and large sums are required to build houses and bridges, and make roads, streets, and canals; and the export trade of the District amounts to upwards of two millions. Probably, Mr. K. said, the bill was as satisfactory as the committee could make it; a convention of the banks of the District recommended, at the last session, the reduction of the banks to two in each city, and that part of the bill which related to the City of Washington was a transcript from the bill of last year. Most of the banks mentioned in the bill were in existence at the same time as the old United States' Bank, which had a branch here, and which did a good business, and, he was told, wound up without loss, and that too among a people who are said to have no profitable employment for bank capital; and, if they have, they have always had too much. This fact established the contrary.

Mr. SIMKINS said, until we had other data to go upon, and a different experience from that of every day, he must believe that the sentiments of the gentleman from Georgia respecting excessive issues of bank paper were not so wild as some appeared to apprehend them to be. What, he asked, had caused the pecuniary distress of the country, but the excess of banking capital, which it was now proposed, as far as regards this District, to re-charter and continue in operation? The present necessities of the people might call for it, but the ultimate effect of such a measure must be to depreciate the value of property, &c. The process of collection of debts due to the banks might, he said, pinch the debtors at this day: but, as legislators for them, it became Congress to legislate not for their momentary but their permanent interest. It was farcical, he said, to talk of six millions of

capital, when there was not a third of the amount in specie. Nay, he asked, did any gentleman believe there was a million of dollars in the vaults of the banks of the District? And was it sound policy to incorporate institutions with capitals amounting to six millions, when it is known that they cannot produce more than half a million of dollars in specie—perhaps not more than three hundred thousand. Mr. S. contended that it was an imposition to say, that six millions of banking capital could be justifiably employed on so small a foundation of specie, &c. It was generally admitted, Mr. S. went on to argue, that Congress had the power to regulate the currency of the country. Would it be doing so to pass this bill? Would it not rather be the means of disordering the currency? In reply to the argument, that nearly this amount had been used advantageously for twenty years, Mr. S. said, that would appear more satisfactorily when all the debts to the banks should be called in. He knew that, in proportion as men could get money, they would run in debt. It was human nature to do so. But, said he, let the debts due to the banks be paid off, and see whether the people will be in the houses they have built—see whether they are the true owners—see whether the interest of the people has been promoted by the numerous banks. Mr. S. said not. They might indeed give a facility to borrow money, but it was this very facility which the House ought not to sanction. He was disposed to allow to the District not more than one bank in each of the three towns, with a reasonable capital; but he was not disposed to grant charters for this enormous fictitious capital. He was not for postponement, though against the bill, because he wished the people to understand now what they might expect.

Mr. COOK called upon gentlemen to reflect what they were about to vote for—for a bill for incorporating within this District six banks with a capital of a million of dollars each. He requested them also to examine the details of the bill. The charters of the present banks were referred to, as containing the rules by which the new banks should be governed. Few gentlemen, he presumed, had examined these rules; and, for himself, he was not prepared to vote for the bill until they were exhibited. He was opposed to this bill, because it proposed too large an amount of bank capital for this District, and the effect of which, within this District, was not confined to the District. The lavish effusion of paper currency within the District, had the effect to enhance the price of every article of life, and thus to compel Congress to increase the salaries of the public officers, &c., and tax the pockets of the people of the United States generally. After some other remarks, he said, he was in favor of extending the present charters of these banks to give them time to wind up their business; and should vote against the postponement, in the hope of an amendment being made to that effect.

Mr. MCCOY would not vote for the indefinite postponement of the bill: but he was not in favor of the bill in its present shape. Six millions of capital, he said, could not be necessary to do the

business of the people of this District; it was far-eical to say that it was. This question, he said, was argued, as if nobody had any interest or concern in these banks but the people of this District. For one, he declared he had no confidence in these banks. He had hoped some gentleman would have told the House how some of these banks had swindled the people. The paper of one of these banks, he said, had been at from ten to twenty per cent. discount for some months; and, when Congress assembled, was at eight per cent. discount. By this bill, the Franklin Bank was permitted five years to wind up its concerns. Mr. M. said he was willing to allow all the banks the same time. The paper of the Franklin Bank, he said, was now at fifty per cent. discount. Those persons who sold produce in the District were obliged to take such paper as was in circulation, which was the paper of the banks of the District of Columbia. Some of these banks, he said, had been very badly managed; and he was not willing to give them six millions of capital for twenty years. If the amount of capital had been lessened in the same proportion as the number of the banks, he should have voted for the bill. Three banks with a million of capital each would be abundantly sufficient.

Mr. RHEA then delivered his sentiments against the motion to postpone, and in favor of the bill, at some length. If other banks in the States were to be put down, he said, let the District banks also be put down. But he saw no reason for putting them down exclusively, to the great prejudice, and indeed to the utter ruin of the District, &c.

The question to postpone the bill was then taken, by yeas and nays, and decided in the negative: For the postponement 45, against it 109, as follows:

YEAS—Messrs. Alexander, Archer of Virginia, Brown, Buffum, Burwell, Campbell, Claggett, Clark, Cobb, Crawford, Edwards of North Carolina, Fay, Floyd, Foot, Ford, Forrest, Garnett, Gross of Pennsylvania, Hall of New York, Hall of Delaware, Hall of North Carolina, Herrick, Hostetter, Jones of Virginia, Little, Linn, Maclay, McLean of Kentucky, Metcalf, R. Moore, S. Moore, Morton, Patterson, Philson, Rankin, Ross, Sampson, Settle, Shaw, Sloan, B. Smith of Virginia, Strong of Vermont, Tarr, Tyler, and Williams of North Carolina.

NAYS—Messrs. Abbot, Adams, Allen of Massachusetts, Allen of New York, Allen of Tennessee, Archer of Maryland, Baker, Baldwin, Ball, Barbour, Bateman, Bayly, Beecher, Bloomfield, Boden, Brush, Bryan, Case, Cook, Crafts, Crowell, Culbreth, Culpeper, Cushman, Cuthbert, Darlington, Davidson, Dennison, Dewitt, Dickinson, Eddy, Edwards of Connecticut, Ervin, Fisher, Folger, Fullerton, Gross of New York, Hardin, Hazard, Hemphill, Hendricks, Hibshman, Heister, Hill, Holmes, Hooks, Jones of Tennessee, Kendall, Kent, Kinsey, Kinsley, Livermore, Lowndes, Lyman, McCoy, McCreary, McLane of Delaware, Mallary, Marchand, Mason, Meech, Meigs, Mercer, Monell, Moseley, Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, Overstreet, Parker of Massachusetts, Parker of Virginia, Pinckney, Pindall, Pitcher, Plumer, Reed, Rhea, Rich, Richards, Richmond, Robertson, Rogers, Sawyer, Sergeant, Simkins, Slocumb, Smith of New Jersey, Smith

of Maryland, A. Smyth of Virginia, Stevens, Street, Strong of New York, Swearingen, Taylor, Terrell, Tomlinson, Tompkins, Tucker of Virginia, Tucker of South Carolina, Van Rensselaer, Walker, Wallace, Warfield, Wendover, Whitman, Williams of Virginia, and Wood.

So the bill was not postponed.

Mr. SIMKINS then moved to recommit the bill, with instructions to the committee to bring in a bill to establish three banks, with a capital not exceeding one million each, one in Washington, one in Georgetown, and one in Alexandria.

This motion was opposed by Mr. MERCER, and supported by Mr. SIMKINS.

The question was taken on it, and the presiding officer counted 73 votes for the motion, and 72 against it, pronouncing the motion carried.

A second count was called; and it was then ordered that the question be taken by yeas and nays.

Mr. WARFIELD delivered an animated appeal to the House against the proposition of Mr. SIMKINS.

Mr. MERCER followed, also in opposition to the motion, with his usual zeal for what he believed to be the interest of the District.

Mr. LITTLE moved to add to the instructions a provision requiring

"That the names of the presidents and directors of said banks voting for each and every dividend made and declared by them respectively, shall be recorded in books kept for the purpose by them, at the time of making or declaring such dividends; and if made contrary to the provisions of this act, the president and directors giving their assent to such dividend shall be held liable to their individual private capacity."

And on the question to agree to this amendment, it was determined in the negative.

The question was then taken on the motion to recommit the bill, with the instructions proposed by Mr. SIMKINS, and determined in the negative—yeas 66, nays 89, as follows:

YEAS—Messrs. Abbott, Alexander, Ball, Barbour, Bateman, Brown, Buffum, Burwell, Butler of New Hampshire, Campbell, Cannon, Claggett, Clark, Cobb, Cook, Crafts, Crawford, Cuthbert, Darlington, Edwards of North Carolina, Fay, Fisher, Floyd, Ford, Forrest, Hall of New York, Hall of Delaware, Hall of North Carolina, Hemphill, Hendricks, Herrick, Heister, Hostetter, Jones of Virginia, Kinsey, Little, Linn, Maclay, McCoy, McLean of Kentucky, Metcalf, R. Moore, Morton, Murray, Newton, Patterson, Philson, Plumer, Richards, Ross, Sampson, Settle, Shaw, Simkins, Slocumb, B. Smith of Virginia, Southard, Stevens, Tarr, Terrell, Tompkins, Tracy, Wallace, Wendover, Williams of North Carolina, and Wood.

NAYS—Messrs. Adams, Allen of Massachusetts, Allen of New York, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baker, Baldwin, Bayly, Beecher, Bloomfield, Boden, Brush, Bryan, Case, Cocke, Crowell, Culbreth, Culpeper, Cushman, Davidson, Dennison, Dewitt, Dickinson, Eddy, Edwards of Connecticut, Ervin, Folger, Foot, Fuller, Fullerton, Gross of New York, Gross of Pennsylvania, Hardin, Hazard, Hibshman, Hill, Holmes, Hooks, Jones of Tennessee, Kendall, Kent, Lowndes, Lyman, McCreary, McLane of Delaware, Mallary,

APRIL, 1820.

Navigation Bill—General Wilkinson.

H. OF R.

Marchand, Mason, Meech, Meigs, Mercer, S. Moore, Moseley, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Massachusetts, Parker of Virginia, Pinckney, Pindall, Pitcher, Reed, Rhea, Rich, Richmond, Robertson, Rogers, Sawyer, Sergeant, Silsbee, Sloan, Smith of New Jersey, Smith of Maryland, Street, Strong of New York, Swearingen, Taylor, Tomlinson, Tucker of Virginia, Tucker of South Carolina, Tyler, Van Rensselaer, Walker, Warfield, Whitman, and Williams of Virginia.

So the House refused to recommit the bill; and, without further question, the bill was passed, and sent to the Senate for concurrence.

THURSDAY, April 13.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a report of the Superintendent of Indian Trade, showing the amount of goods furnished annually, since the peace of 1815, to each Indian trading-house, with the articles received in exchange or payment therefor, together with an account of sales of such articles, &c., made in obedience to a resolution of this House; which letter and report were ordered to lie on the table.

Mr. NEWTON, from the Committee on Commerce, to which was referred the bill from the Senate, entitled "An act to authorize the erection of a lighthouse on one of the Isles of Shoals, near Portsmouth, in New Hampshire," made a report thereon, proposing sundry amendments thereto, which, together with the bill, was committed to a Committee of the Whole to-morrow.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: An act to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose; An act for the relief of Alexander Milne; An act to increase the allowance to the Judges of the Orphans' Court in the counties of Washington and Alexandria; An act to authorize the President of the United States to ascertain and designate certain boundaries; An act to establish the district of Pearl River; and An act for the relief of Solomon Prevost;—in which bills they ask the concurrence of this House.

Mr. LIVERMORE moved to discharge the Committees of the Whole from the further consideration of the bill for the alteration of the present tariff of duties on goods imported, with a view to its postponement. But the motion was declared not to be in order before the reading of the following bill:

Thereupon Mr. BARBOUR moved to lay that bill on the table; which motion was negatived.

NAVIGATION BILL.

The bill from the Senate, supplementary to the act "concerning navigation," was twice read, and was, on motion of Mr. HILL, referred to the Committee on Commerce.

Mr. WILLIAMS, of North Carolina, then moved to postpone, until to-morrow, the other orders of the day preceding that referred to by Mr. LIVERMORE, with a view to then moving to postpone that bill until the next session of Congress.

In support of this motion, Mr. W. said the subject was one of great importance; that a proper consideration of it would occupy the attention of the House exclusively, for at least a month, and would for so long protract the session beyond the time necessarily to be devoted to the consideration of other subjects. The question ought, therefore, to be now determined, whether the House would or would not act upon the subject at the present session.

Mr. LOWNDES said he concurred so fully in the views of the gentleman from North Carolina, that, if he now persevered in his motion, he should certainly vote for it. But, as the decision of the question would in fact be a decision on the main question of the bill for the present session, he wished the motion could be deferred until to-morrow, that the members of the House might be all aware of its agitation. Mr. L. said he did believe that, unless it was passed without debate, the bill in question could not be acted on at the present session.

Mr. WILLIAMS, assenting to the wish of Mr. LOWNDES, withdrew his motion, with the intimation that, if no one else moved it, he should himself renew the motion to-morrow.

GENERAL WILKINSON.

The House took up and proceeded to consider the bill for the relief of General James Wilkinson, (for the indemnification of General W. from a judgment obtained against him in one of the courts of the State of Mississippi, in an action for false imprisonment, during the alarm of Burr's conspiracy.)

Mr. RANKIN spoke at large in favor of the bill. He took an historical view of the circumstances of the case, which he conceived entitled General Wilkinson to the relief proposed to be given to him by this bill.

Mr. ROBERTSON spoke against the bill, not so much with a view to the demerit of the claimant, as that its passage might serve to impress the public mind unfavorably to General Adair, as supposing the verdict of the court in his favor to have been oppressive and unjust. Mr. R. took a brief view of the events of General Adair's life; he thought he had suffered unjustly, and that the passage of this bill might serve, by implication, to inflict upon him further injury, &c., and at a moment, too, when he was a candidate in his own State for the popular suffrages in an important election. Mr. R. concluded by moving that the bill be postponed to the next session of Congress.

Mr. BRUSH followed on the same side of the question. He had no personal knowledge, he said, of General Adair: but he was his fellow citizen, and, from all the evidence he had seen, he had been most oppressively and unjustly dealt by. He was not willing, therefore, to extend the hand of the Government, to take money from the Treasury to indemnify him from whom General A. had sustained the injury, &c.

Mr. SMITH, of Maryland, supported the bill. He allowed all the merit due to General Adair, but expressed his great regret that this bill should

H. OF R.

Surviving Revolutionary Officers.

APRIL, 1820.

have been supposed to have any the least connexion with his fame, which it certainly had not. He took a general view of the case, the leading features of which were, that what General Wilkinson had done, he had done in discharge of his duty; that he was not able to pay this judgment against him; and, if this bill did not pass, he who had devoted his whole life to the service of the country must, in his old age, become the tenant of a prison, because of his zeal in the discharge of his duty.

Mr. LIVERMORE was in favor of the postponement, because he did not think Congress were under any obligation to pay the money. This question, he conceived, had nothing to do with the relative merits of General Wilkinson and General Adair, which he did not undertake to canvass. With regard to the arrests made under the orders of General Wilkinson, he said, incidentally, that they savored too much of the general warrant, &c. and ought not to be countenanced by any decision of Congress to indemnify him who made them.

Mr. PINDALL took the same ground as had been taken by Mr. BRUSH, and enforced it by a variety of elucidations, that there was no evidence, even had suspicion itself been imbodied in an affidavit, which would have justified the civil authority, much less the military, in arresting General Adair. He argued also that it was not the province of this House to interfere with a decision of the supreme judicial tribunal of a State, and indemnify those against whom a verdict had been awarded, after full investigation, and with all the facts before them, by a jury of the country.

Mr. COCKE opposed the postponement of the bill, for reasons which he assigned at large. From the situation of the country at the time of the arrest of General Adair, it was necessary that formality should be dispensed with, prompt action being necessary. General Wilkinson, he said, was on that occasion placed in this situation: if he obeyed the orders he had received from the Executive, a prosecution hung over him, and judgment would follow. If he did not obey them, he was to be arrested, punished, and disgraced. Under these circumstances, he thought the Government ought to indemnify General Wilkinson, &c.

Mr. WALKER spoke at some length, and decided in favor of the bill; and Mr. NEALE also spoke at large in support of it.

Mr. CULBRETH assigned the reasons why he should vote for the postponement of the bill; not that he was opposed to the principle of the bill, but because he had never heard that the collection of the judgment was proposed to be enforced on General Wilkinson; and the passage of the bill, therefore, appeared to him to be unnecessary.

The question had been for some time loudly called for, and was at length taken, on the proposed postponement, and decided in the negative—86 to 58. The bill was then ordered to be engrossed for a third reading.

SURVIVING REVOLUTIONARY OFFICERS.

The House then resolved itself into a Committee of the Whole on the following bill:

Be it enacted, &c., That the accounting officers of

the Treasury Department be, and they hereby are, directed and required to adjust and settle the claim of each and every surviving officer of the Army of the Revolution, who, by the several resolves of Congress, made on or before the 21st of October, 1780, was entitled to half pay for life, and who shall apply for such settlement within ——— months from the date of this act, by deducting from the arrearages of such half pay, computed from the reduction of the Army, five years full pay; and the balance of such arrearages being thus ascertained, a certificate shall issue for the same, bearing interest at the rate of six per cent. per annum, redeemable at the pleasure of the Government: *Provided*, That if the whole amount of the balances so to be ascertained shall exceed one million of dollars, they shall be respectively and rateably reduced, so that the aggregate of the certificates to be issued shall not be more than the said sum of one million of dollars.

SEC. 2. *And be it further enacted*, That, from and after the date of the said certificate, each and every officer to whom it is issued shall be placed on the half pay pension list of the United States, and shall be entitled to receive the half pay in half yearly payments, for and during the term of his natural life: *Provided*, That if the aggregate of the said half pay shall exceed forty-five thousand dollars per annum, the same shall be reduced, by a rateable deduction, so as not to amount to more than that sum.

The bill having been read through—

Mr. SERGEANT delivered his sentiments in favor of the bill, and enforced them with eloquence and argument.

Mr. RHEA delivered a speech of considerable length against the bill; when,

A motion to that effect having been made, the question was taken on striking out the first section of the bill and decided in the affirmative by a majority of about twenty votes.

This decision (vitaly affecting the bill) was reported to the House; when, on motion of Mr. NELSON, of Virginia, the report of the Committee of the Whole was ordered to lie on the table, in order that it might be finally acted on, in full House; and the House adjourned.

FRIDAY, April 14.

Mr. NEWTON, from the Committee of Commerce, to which was committed the bill from the Senate, entitled "An act supplementary to an act, entitled 'An act concerning navigation,'" reported the same without amendment; and the bill was committed to the Committee of the Whole, to which is committed the bill from the Senate, entitled "An act to authorize the erection of a light-house on one of the Isles of Shoals, near Portsmouth, in New Hampshire.

Mr. ALEXANDER SMYTH, from the Committee on Military Affairs, to which was committed their report on the memorial of Nathaniel Hall Loring, Thomas Ragland, Charles Rutledge Holmes, Charles R. Vining, and Wilson M. C. Fairfax, late cadets at the Military Academy at West Point, reported the same without amendment.

The House proceeded to consider the report; when,

APRIL, 1820.

Ways and Means.

H. OF R.

Mr. COCKE moved a substitute for the report more favorable to the cadets than the original report, and less so to the officers having charge of the academy.

Mr. FOOT moved to lay the report and amendment on the table—negatived.

And they were referred to a Committee of the Whole.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting copies of all contracts made and entered into by the Commissary General of Purchases, for supplying the Army with provisions, &c., rendered in pursuance of a resolution of this House; which letter and its accompanying documents were ordered to lie on the table.

The SPEAKER also laid before the House a letter from the Postmaster General, transmitting a list of unproductive post routes, for the year 1819; which letter and list were ordered to lie on the table.

Mr. ROBERTSON submitted to the House the articles of compact, made and entered into between the States of Kentucky and Tennessee, in relation to the boundary line between the said States; which were ordered to lie on the table.

The bill to establish a district court in the State of Alabama was taken up, amended so as to reduce the salary of the Judge from two hundred to one hundred and fifty dollars, and ordered to a third reading.

The following bills from the Senate:—

A bill to amend and prolong the charter of the City of Washington; a bill concerning the Orphans' Court of the District of Columbia; a bill to authorize the survey of the boundary line between the States of Indiana and Illinois; a bill to establish the collection district of Pearl river, (Mississippi); a bill for the relief of Solomon Provost; a bill for the relief of Alexander Milne; were severally twice read, and referred to various committees.

The engrossed bill for the relief of General James Wilkinson (appropriating \$3,000 to indemnify him from a certain judgment obtained against him by General John Adair) was read a third time and passed by a vote of 70 to 54, and was sent to the Senate for concurrence.

The House then resolved itself into a Committee of the Whole on the bill for the relief of persons holding certain unlocated claims to land in the State of Illinois; the object of which was explained by Mr. CAMPBELL, and the bill was reported to the House, and ordered to be engrossed for a third reading.

WAYS AND MEANS.

Mr. SMITH, of Maryland, from Committee of Ways and Means, to which was referred so much of the Message of the President of the United States, at the commencement of the present session, as relates to the subject of Revenue, made a detailed report thereon, accompanied by a bill to authorize the President of the United States to borrow two millions of dollars, and for other purposes; which bill was committed, with the said

report, to the Committee of the Whole on the state of the Union. The report is as follows:

The Committee of Ways and Means, to whom has been referred so much of the President's Message as relates to the revenue of the United States, respectfully submit the following report:

The total net receipts into the Treasury, during the year 1819, were - - - - \$24,812,419 09
The payments from the Treasury, during that year, amounted to - - - 24,044,568 77

Leaving a balance of income, after paying all expenses, of - - - \$767,850 32

State of the Treasury, Public Revenue, and Appropriations made for the service of the year 1820.

1st.—STATE OF THE TREASURY.

The amount of money in the Treasury, on the 1st day of January, including the second instalment from the bank of 500,000 dollars, paid that day, was - - - - \$2,542,293 27

From which the following deductions must be made, to wit:

1st. Special deposits of notes of banks which will not be available during the present year, but most of which, it is believed, will ultimately be paid \$610,376 59
2d. Amounts remaining to be paid of the Louisiana stock, which was payable in 1818 and 1819, and not yet demanded - - - 1,646,117 42
3d. Other claims on the year 1819, and not then paid, exclusive of the balance due the Commissioners of the Sinking Fund - - 40,133 91
Total - - - 2,296,627 92

Leaving available funds in the Treasury, on the 1st of January, the sum of - - - - \$245,665 35

2d.—PUBLIC REVENUE FOR 1820.

Customs, (as estimated at the Treasury,) - \$19,000,000
Public lands, same - 2,000,000
Arrears of internal duties and direct taxes 450,000
Instalment due by the United States Bank - 500,000
Incidental receipts - 50,000
Dividend from the United States Bank will probably be 6 per cent. 280,000
certainly 4 per cent. 22,280,000 00

Aggregate amount of means available for the service of the year 1820 22,525,665 35

3d.—AMOUNT OF THE SEVERAL APPROPRIATIONS MADE FOR 1820.

1st. Permanent appropriations—
For the Sinking Fund \$10,000,000

H. OF R.

Ways and Means.

APRIL, 1820.

Brought over -	\$10,000,000
Gradual increase of the Navy -	1,000,000
Arming the militia -	200,000
Annuities to Indians under treaties -	149,725
Trading-houses with the Indians -	19,250
Civilization of Indians -	10,000
	<u>\$11,378,975</u>

2d. Temporary expenditures agreeably to appropriations, to wit:

For the service of the Navy -	\$2,538,940
For the Military Establishment -	8,119,580
Civil and Diplomatic -	2,306,444
Public buildings -	222,916
Private claims, estimated at -	50,000
	<u>13,237,880</u>

For payment of two-thirds of the Mississippi stock, to be paid by order of the Commissioners of the Sinking Fund, on the 15th of May next -

1,239,259 30

Arrearages for the Department of the Navy, agreeably to the act passed December last, amount drawn subsequent to 1st January

443,050 00

1,682,309 30

Total amount of expenditures authorized by law for 1820 -

26,299,164 30

Leaving a deficiency of means for the year 1820, of -

\$3,773,498 95

And of the Sinking Fund for the year 1820:

Annual appropriation -	\$10,000,000
Payable by the Treasury thereout:	
Residue of the Louisiana stock redeemable this year -	2,216,462 77
Six per cent. stock -	80,000
Reimbursement of the deferred stock -	503,196 94
Interest of the funded debt, payable this year	4,911,843
	<u>7,711,502 71</u>

Leaving a balance which may be applied to satisfy part of the deficit, of

2,288,497 29

Leaving an actual deficit of funds to meet the expenditures authorized by law, for 1820, of -

\$1,485,001 66

The committee further submit "An estimate of the receipts and expenditures for the year 1821, founded on information received from the several Departments:"

1st. Receipts.

Customs -	\$16,000,000
Land -	3,000,000
Arrears of direct tax and internal duties -	250,000
Incidental receipts -	50,000
Dividend from the United States Bank, six per cent. -	420,000
	<u>\$19,720,000 00</u>

2d. Expenditures.

Permanent, to wit:	
Reimbursement of deferred stock -	\$534,033 08
Interest on the funded debt -	4,773,737 68
Gradual increase of the Navy -	1,000,000 00
Arming the militia -	200,000 00
Annuity to Indians -	149,725 00
Trading-houses with Indians -	19,250 00
Civilization of Indians -	10,000 00
	<u>6,686,745 76</u>

Temporary, agreeably to the amount of the several appropriation bills for 1821 -

13,237,880 00

To which must be added the amount of unexpended balances in the hands of the Treasurer, and which was applied to the expenditure of the year 1820 -

358,154 00

\$20,282,779 76

From which appropriations for 1820, there may be deducted the following items, which will not be required for 1821, and the parts of items, which are either unnecessary, or may, without injury to the public service, be spared, to wit:

For completing several arsenals -	\$60,650
Arrearages prior to 1818, for Military Academy -	21,428
Arrearages -	200,000
Half-pay pensions to widows and orphans (part) -	75,000
Revolutionary pensions -	650,000
Balances due certain States -	250,000
Taking the census -	240,000
Cumberland road -	141,000
Holding of Indian treaties -	70,000

APRIL, 1820.

Ways and Means.

H. OF R.

Claims of the inhabitants of the late province of West Florida	\$24,231
Payments for outstanding debentures for internal duties -	20,000
Balance due M. Poirey and M. de Vienne -	4,481
Fortifications -	100,000
	<u>\$1,856,790</u>
Deduct therefrom for expenditures that may be required for the service of the year 1821, and which cannot be foreseen -	256,790
Leaving an amount charged in the year 1820, and which, it is believed, will not be required for the year 1821 -	1,600,000 00
Estimate of expenditure for the year 1821 -	18,682,779 76
Estimated excess of receipts over the expenditures of the year 1821 -	1,037,220 24
	<u>\$19,720,000 00</u>

The committee also submit: That no part of the principal of the funded debt becomes payable until the year 1825, except the annual reimbursement of the deferred stock; and they present the following view of the sums annually reimbursable on the public funded debt, for the years 1825, 1826, 1827, and 1828, to wit:

Year 1825, six per cent. stock, per act of 14th March, 1812 -	\$6,187,006 44
Do. do. 6th July -	2,668,974 99
Do. Treasury notes, funded per act 24th February, 1815 -	1,419,125 61
	<u>10,275,107 44</u>
Seven per cent. do. do. -	8,595,298 27
	<u>\$18,870,405 71</u>
1826, six per cent. stock, per act of 8th February, 1813 -	15,521,136 45
Do. do. August 2, do. -	6,836,232 39
	<u>22,357,368 84</u>
1827, six per cent. stock, per act of 24th March, 1814 -	13,011,437 63
1828, do. do. Mar. 3, '15 -	9,490,099 10

The committee further state that, from the 1st of January, 1801, to the 1st of January, 1808, inclusive, there was redeemed of the principal of the public debt, the sum of - \$32,257,841 10

And between the 1st of January, 1817, and the 1st Jan., '20, the sum of - \$32,085,750 17

An act passed on the 3d March, 1817, "to provide for the redemption of the public debt." That act vests in the Commissioners of the Sinking Fund the sum of ten millions of dollars, to be applied yearly by them to the payment of the interest and charges, and to the reimbursement or purchase of the public debt; and provides that the said annual appropriation shall be paid from the proceeds of the duties on merchandise, the tonnage of vessels, internal duties, and sales of Western lands. Although that act is not considered as a pledge of those funds, yet it is understood at the Treasury that the appropriation for the Sinking Fund has a preference over every other, and must (if required by the Commissioners) be first paid. The documents before the House show that there is no part of the principal of the public debt payable during the years 1821, 1822, 1823, 1824, except the reimbursement of the deferred stock.

The Sinking Fund can operate, of course, during those years only in manner following, (unless the United States stock should be purchased at par,) to wit:

1821, interest and reimbursement payable this year -	\$5,307,770 76
1822, do. do. do. -	5,307,770 76
1823, do. do. do. -	5,307,770 76
1824, do. do. do. -	5,023,126 24
And for the present year of 1820, as already stated -	7,711,502 71

Total of actual demand on the fund - \$28,657,941 23

Leaving the sum of \$21,342,058 77 for those years which cannot be applied to the payment of the principal of the debt in any other way than by purchase. No purchase can be made, agreeably to the act, unless the same can be effected at or under par. The present market value of the United States six per cent. stock is known to be three and a half to four and a half per cent. above par, and it is believed will continue above par during the years 1821 and 1822, and perhaps longer. Under those circumstances it is submitted, whether it is not more for the interest of the United States to authorize the Treasury to transfer to the surplus fund the balance of the Sinking Fund, which may remain unexpended on the 31st December, 1820, than that the same should remain in the Treasury un-employed.

The unexpended balances of the Sinking Fund are transferable (under the existing laws) to the surplus fund, two years after the calendar year for which the appropriations have been made, in like manner as all unexpended balances for other objects of expenditure are transferable.

The preceding statement shows, that the expenditures authorized by law, for the year 1820, will exceed the receipts into the Treasury, of that year, the sum of \$3,773,498 95; that sum may be reduced to \$1,485,001 66, by the application of the balance of \$2,288,497 29, which will, agreeably to the preceding view, remain unexpended of the Sinking Fund on the 1st January, 1821. In recommending the application of the surplus of the Sinking Fund to the current expenses of the present year, your committee deprecate a recurrence to a like resort in future years, if the same can with any propriety be avoided; and it is hoped that such retrenchments will be made in the public expenditures as may render a recurrence to that fund unnecessary.

A resort to Treasury notes, to meet the deficit, ap-

H. OF R.

Ways and Means.

APRIL, 1820.

peared to your committee inexpedient. Such notes could not, in their opinion, become a medium, unless the banks should be authorized to tender them in payment for any demands made on those institutions; without such authority, Treasury notes would be sold and bought in the market, for the purpose of paying the public dues; and, when paid into the bank, could be considered by the bank only as a special deposit of the Treasury, on which it would not be bound to pay either its own notes or specie.

It appearing to your committee inexpedient to resort to Treasury notes, and it being impracticable (if no objections existed against the adoption of such a course) to carry into effect a system of internal duties in time to meet the deficit of the present year, your committee had only to choose between a loan of a temporary character or one of longer duration. They have preferred the latter, because it carries the time beyond that in which other debts are payable, and because it is believed that the loan will thereby be obtained on decidedly better terms than on one of a shorter duration. By authorizing the subscription of the Mississippi stock, of which two-thirds must otherwise be redeemed during the current year, it is inferred that little new debt will be created. Conformably with those views, the committee respectfully submit a bill to authorize a loan of \$2,000,000.

The committee have deemed it useful to present a view of the probable receipts for the year 1821, and of the expenditures which, under the existing laws, are indispensably chargeable thereon. They have founded their statement of expenses on the appropriations actually made for 1820; and have shown that therefrom a variety of items, amounting to \$1,856,790, (which will not be required for 1821,) may be deducted; at the same time, they are ready to admit that new and unforeseen demands may arise, which may show that too much reliance ought not to be placed upon an expectation of an expenditure less than that of the current year. The view for 1821 is founded on the indispensable expenses, and does not include the amount of principal, which the Commissioners of the Sinking Fund are bound to purchase, if the same can be bought at or under par. Taking that view, the estimates of receipts and expenditures will be shown by the following statement, to wit:

Permanent expenditures	-	-	-	\$11,378,975
Temporary	-	-	-	13,596,034
				<hr/> 24,975,009
From which deduct items not required				
(as specified) for 1821	-	-	-	1,600,000
				<hr/> 23,375,009
Estimated amount of receipts for 1821,				
per statement	-	-	-	19,720,000
Leaving a deficit, in 1821, of	-	-	-	<hr/> \$3,655,009

Your committee having assigned the reasons which have led them to recommend the bill herewith reported, beg leave respectfully to present their views of the necessity which exists for retrenchment and economy in the public expenditures. They approach this subject with feelings which the House can duly appreciate. A Government, like individuals, will generally increase its expenditure in proportion to its increase of means. The revenue, after peace, had swollen to an amount surpassing all former experience; and passing from a state of war, during which expen-

sive establishments were indispensably necessary, it was not to have been expected that we could have immediately made such reductions as a state of profound peace would render prudent and proper. The war pointed our attention to the weak points of the nation; and the appropriations of former years have been increased by objects of great national importance, which have added to our security, and by an act of benevolence towards the survivors of the army of the Revolution.

Large outstanding claims, resulting from the war, to an amount exceeding thirty millions of dollars, have been discharged; and the sum of \$32,085,750 of the public debt has been redeemed since the first day of January, 1817. Establishments have been created under the sanction of law, which to maintain and advance, will make it necessary, either to resort to annual and successive loans, or to a system of internal revenue. As to the first of those alternatives, it cannot be necessary to urge any observations; their natural tendency to involve the nation in debt is obvious; and they will be avoided when they are not indispensably necessary. We are warned against the effects of a large and accumulating debt, by the experience of other nations. A nation laboring under the pressure of a large debt, no more than an individual, can be considered independent. Money is power; and that nation will become powerless who shall mortgage its resources, without the prospect of relieving them by discharging its engagements.

Reasons, powerful and cogent, exist against a resort to internal duties and direct taxes, to supply a deficiency occurring during a state of profound tranquillity, and ought to be avoided if the necessity be not evident and pressing, and such has heretofore been the policy of the nation. We have been accustomed to a system of taxation which, in its operation, has been paid without being perceptibly felt, and will reluctantly resort to one of a different character in times of profound peace.

From the extraordinary depression of commerce within the last three years, the stagnation of our navigation, the depreciation in the value of our exports, the corresponding depreciation in the value of property of every description, and the serious embarrassments under which every branch of industry now labors, economy and retrenchment in expenditures of every citizen are imperiously required. The finances of the nation being seriously affected by those causes, there would seem to arise a correspondent obligation on the Government to retrench its expenditures and economize its means. In the infancy of our institutions our expenses were, in the general, limited by our receipts. We have been satisfied to advance gradually in furthering the system of national security and independence. Our pace has been greatly quickened towards the accomplishment of those objects since the restoration of peace by the great accession of our revenue. From that period our revenue has been in what may be considered a forced state. We are now getting back to a condition more congenial with our population and national wealth.

The committee believe that wisdom requires us to recur also to the policy which has heretofore governed us. Our nation is still in its infancy; its resources are daily increasing. If, then, we should keep pace in the building up of our national establishments with the revenue of the country, we shall have consummated all our wishes without oppression to the citizen.

APRIL, 1820.

Revolutionary Officers—Duties on Imports.

H. OF R.

Therefore, resolved, That the President of the United States be requested to cause such a plan to be prepared as will enable Congress, at its next session, to make such reductions in the various branches of public expenditure, as may be required by the state of the finances and the public good.

REVOLUTIONARY OFFICERS.

The House took up, and proceeded to consider, the bill for the relief of the surviving officers of the Revolution; and, the question being stated and taken, to concur in the amendment of the Committee of the Whole, to strike out the first section, which section is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the accounting officers of the Treasury Department be, and they hereby are, directed and required to adjust and settle the claim of each and every surviving officer of the Army of the Revolution, who, by the several resolves of Congress, made on or before the 21st of October, 1780, was entitled to half pay for life, and who shall apply for such settlement within twelve months from the date of this act, by deducting from the arrearages of such half pay, computed from the reduction of the Army, five years' full pay; and the balance of such arrearages being thus ascertained, a certificate shall issue for the same, bearing interest at the rate of six per cent. per annum, redeemable at the pleasure of the Government: *Provided,* That, if the whole amount of the balances so to be ascertained shall exceed one million of dollars, they shall be respectively and rateably reduced, so that the aggregate of the certificates to be issued shall not be more than the said sum of one million of dollars.

Whereupon a debate of considerable interest arose, in which MESSRS. LIVERMORE, NELSON of Virginia, GROSS of New York, HEMPHILL, CUSHMAN, MEIGS, and WARFIELD, advocated the bill, and MESSRS. HARDIN and SOUTHARD opposed it.

The question on concurring in the report of the Committee of the Whole, to strike out the first section of the bill, was then decided by yeas and nays, as follows:

YEAS—MESSRS. Abbot, Adams, Alexander, Anderson, Archer of Maryland, Baker, Barbour, Bateman, Beecher Brown, Buffum, Burwell, Butler of New Hampshire, Campbell, Cannon, Cobb, Cocke, Crafts, Darlington, Dennison, Dewitt, Eddy, Edwards of Connecticut, Edwards of North Carolina, Fay, Fisher, Folger, Foot, Garnett, Gross of Pennsylvania, Hall of New York, Hall of Delaware, Hall of North Carolina, Hardin, Hazard, Herrick, Hibshman, Holmes, Hooks, Hostetter, Jones of Virginia, Jones of Tennessee, Kinsley, Linn, Lowndes, Maclay, McCoy, McLean of Kentucky, Mallary, Marchand, Meech, Metcalf, R. Moore, Morton, Murray, Parker of Massachusetts, Parker of Virginia, Phelps, Philson, Pindall, Pitcher, Plumer, Reed, Rhea, Rich, Richards, Richmond, Russ, Sampson, Sawyer, Settle, Shaw, Simkins, Slocumb, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Southard, Stevens, Strong of Vermont, Tarr, Terrell, Tompkins, Trimble, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker, Wallace, Wendover, Williams of Virginia, Williams of North Carolina, and Wood—94.

NAYS—MESSRS. Allen of Massachusetts, Allen of

New York, Allen of Tennessee, Archer of Virginia, Baldwin, Ball, Bayly, Bloomfield, Boden, Brush, Bryan, Burton, Butler of Louisiana, Case, Clark, Cook, Crawford, Crowell, Culbreth, Culpeper, Cushman, Cuthbert, Dickinson, Dowse, Earle, Ervin, Floyd, Ford, Forrest, Fuller, Gross of New York, Hackley, Hemphill, Hendricks, Heister, Hill, Kendall, Kent, Kinsey, Little, Livermore, Lyman, McCreary, Mason, Meigs, Mercer, S. Moore, Monell, Moseley, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, Pinckney, Ringgold, Robertson, Rogers, Ross, Sergeant, Silsbee, Sloan, Smith of New Jersey, Smith of Maryland, Storrs, Street, Strong of New York, Tomlinson, Tracy, Van Rensselaer, and Warfield—70.

So the first section was stricken out, and the bill of course rejected.

DUTIES ON IMPORTS.

Mr. LIVERMORE then moved to discharge the Committee of the Whole from the further consideration of the bill which proposes to change the tariff of duties on goods imported, with a view to move its indefinite postponement. He proceeded to assign the reasons for his motion. This bill, he said, had for its object essentially to change our revenue system, and to change it, in his opinion, for the worse. The time, too, for making this experiment was, he said, of all times the most unfortunate, at a moment when it is known that the Treasury is drained to the very dregs.

Mr. SPEAKER here arrested Mr. LIVERMORE's speech, by declaring that debate on the merits of the bill was not in order on this motion, according to the rules of the House.

Mr. BARBOUR, with a view to bring the question into a shape susceptible of debate, moved to amend Mr. LIVERMORE's motion, so as to add to it a provision to postpone the bill indefinitely.

This motion, and debate on it, were also pronounced irregular, for reasons which Mr. SPEAKER assigned.

After some observations on the point of order, from MESSRS. BARBOUR, LIVERMORE, and LOWNDES,

The question on Mr. LIVERMORE's motion was taken without debate, on the merits of bill, and decided as follows:

YEAS—MESSRS. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Ball, Barbour, Bayly, Bryan, Buffum, Burton, Burwell, Butler of New Hampshire, Butler of Louisiana, Cannon, Cobb, Cocke, Crafts, Crawford, Crowell, Culpeper, Cuthbert, Davidson, Earle, Edwards of North Carolina, Fisher, Floyd, Garnett, Hall of North Carolina, Hardin, Holmes, Hooks, Jones of Virginia, Kent, Livermore, Lowndes, McCoy, McCreary, Meech, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Virginia, Pinckney, Pindall, Rankin, Reed, Rhea, Richards, Ringgold, Robertson, Settle, Silsbee, Simpkins, Slocumb, B. Smith of Virginia, A. Smyth of Virginia, Smith of North Carolina, Strong of Vermont, Swearingen, Terrell, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker, Warfield, Whitman, Williams of Virginia, and Williams of North Carolina—71.

NAYS—MESSRS. Adams, Allen of Massachusetts, Allen of New York, Baker, Baldwin, Bateman, Beecher, Bloomfield, Boden, Brown, Brush, Campbell, Case, Clark, Cook, Culbreth, Cushman, Darling-

ton, Dennison, Dewitt, Dickinson, Dowse, Eddy, Edwards of Connecticut, Folger, Foot, Ford, Forrest, Fuller, Gross of N. York, Gross of Pennsylvania, Hackley, Hall of New York, Hall of Delaware, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Heister, Hill, Hostetter, Jones of Tennessee, Kendall, Kinsey, Kinsley, Little, Linn, Lyman, Maclay, McLane of Delaware, McLean of Kentucky, Mallary, Marchand, Mason, Meigs, Metcalf, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Newton, Parker of Massachusetts, Patterson, Phelps, Philson, Pitcher, Plumer, Rich, Richmond, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Shaw, Sloan, Smith of New Jersey, Smith of Maryland, Southard, Stevens, Storrs, Street, Strong of New York, Tarr, Tomlinson, Tompkins, Tracy, Trimble, Van Rensselaer, Wallace, Wendover, and Wood—96.

So the House refused to discharge the Committee of the Whole from the consideration of the said bill. Whereupon,

Mr. STORRS offered the following resolution, and moved that it be committed to a Committee of the Whole on the state of the Union :

“Resolved, That it is expedient to provide, by law for the establishment of a system of internal revenue.”

This resolve was referred, as moved, without debate.

MILITARY LAND WARRANTS.

The bill supplementary to the act, providing for cases of lost military land warrants, passed through a Committee of the Whole, Mr. HILL in the chair.

[The bill is to extend the provisions of the law to Canadian volunteer land warrants.]

Whilst in Committee of the Whole, a motion was made by Mr. CAMPBELL to amend the bill so as to embrace in its provisions the assignees of military land warrants as well as the original holders ; but this motion was opposed by Mr. McLEAN, of Kentucky, and Mr. NELSON, of Virginia, on the ground of its opening a door to evasion of the law for the benefit of the Canadian volunteers, and was negatived.

The bill next in order was the bill to establish an uniform system of bankruptcy. Mr. SERGEANT moved that the House do now resolve itself into a Committee of the Whole on that bill. This motion was negatived, 56 to 47 ; and the House being thin, and the hour late, the House adjourned.

SATURDAY, April 15.

On motion of Mr. BRYAN, the Committee on Indian Affairs were directed to inquire into the expediency of repealing the act, entitled “An act making provision for the civilization of the Indian tribes adjoining the frontier settlements,” passed the 3d day of March, 1819.

Mr. ALEXANDER SMYTH submitted the following resolution :

“Resolved, That the Secretary of War be directed to prepare a statement of the whole number of militia in service during the late war against Great Britain, showing the periods of their service, their pay, and from what States and Territories drawn, to be laid before this House at the next session of Congress.

Mr. COCKE moved that it lie on the table ; which being rejected, the resolution was then agreed to.

On motion of Mr. PINCKNEY, the Committee on the Judiciary were directed to report on the expediency of so far altering and amending the Judiciary system as to enable defendants, in all suits originally brought in the district courts of the United States, to have the same right of appeal to the Supreme Court of the United States as they would have been entitled to had the suits against them been originally instituted in the circuit courts thereof.

Mr. MEIGS moved that the House do now proceed to consider the resolution submitted by him on the 5th of February last, in relation to the abolition of slavery within the United States. The motion was determined in the negative.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit : 1. An act for the relief of John Rodriguez ; 2. An act for the relief of Pierre Denis de la Ronde ; 3. An act to establish the district of Blakeley ; 4. An act to establish additional land offices in the State of Alabama ; and 5. An act relative to the Arkansas Territory ; in which bills they ask the concurrence of this House.

The said bills were severally read twice, and the first and second referred to the Committee of Claims, the third to the Committee of Commerce, the fourth to the Committee on the Public Lands, and the fifth was ordered to be read a third time on Monday next.

The bill from the Senate, entitled “An act to establish a district court in the State of Alabama,” was read the third time, and passed as amended.

Engrossed bills of the following titles, to wit : An act for the relief of persons holding confirmed unlocated claims for lands in the State of Illinois ; and An act supplementary to “An act providing for cases of lost military land warrants, and discharges for faithful services ;” were severally read the third time, and passed.

The House took up, and proceeded to consider, the resolution giving the consent of Congress to a compact concluded between the States of Kentucky and Tennessee, for the settlement of their boundary line ; whereupon, it was ordered to be engrossed and read a third time.

The House took up, and proceeded to consider, the engrossed bill, entitled “An act for the relief of the legal representatives of Henry Willis, deceased.” And the question recurred, Shall this bill pass ? And being taken, it passed in the affirmative.

Mr. LOWNDES submitted the following resolution :

“Resolved, That the Committee on Manufactures be instructed to report to this House such evidence or estimates as it may be in their power to present, showing the several rates of wages given, and expense of all kinds incurred in the different branches of manufacture which, in their opinion, require additional encouragement, with the prices of their product, so as to exhibit the profit which, at the present prices of subsistence, materials, and labor, and the present value

APRIL, 1820.

Amendment to the Constitution.

H. OF R.

of land, buildings, and machinery, may be obtained in such manufacture, skilfully and economically conducted.

The resolution was read and ordered to lie on the table.

AMENDMENT TO THE CONSTITUTION.

Mr. COBB then moved that the House do now proceed to consider the report of the Committee of the Whole on the state of the Union, on a resolution submitted by him, proposing an amendment to the Constitution of the United States in relation to appointments to office.

And the question being taken thereon, it passed in the affirmative—yeas 71, nays 69.

Mr. COBB, of Georgia, addressed the Chair as follows—

Mr. Chairman: Having had the honor to be the mover of this resolution, it will, no doubt, be expected, that I should support its propriety by a few remarks. Yet, in favor of a measure so plain in itself, and founded upon principles now so familiar and well understood as to have assumed the nature of undeniable axioms in all free governments, little original matter can be urged, without extending my views into particulars in which perhaps I ought not to be tolerated. Nor am I so vain as to believe that I possess the talent of giving to an old argument a new dress, which will make it appear more attractive. The proposed amendment of the Constitution is not a novel one. More than once heretofore its principle has been brought to the consideration of the nation. It was discussed in the Federal Convention; and, at a later period, it has been renewed upon the floor of Congress, in a shape not differing materially from the one in which it is now presented. In both instances, and especially the latter, it seems to have been well received; and yet was rejected, for causes not now easy to be traced or understood. Upon each of these occasions, it was supported with an ability to which I make no pretensions. The principal arguments urged on the last have been preserved, and I have no hope of adding to their number, their strength, or their beauty.

The proposition, as submitted, is very general in its nature. I made it so, designedly, that the Committee might not be forced, in their deliberations, to confine their attention to a single insulated point; but that, after a full and free discussion, it might receive such amendments and modifications as will make it best answer the purposes for which it is intended. It is now, in substance, and almost in the very words, in which it was proposed by two of the States (Virginia and New York) at the time of their ratification of the Constitution. There is one amendment which I shall myself offer before I take my seat; but it is such an one as I hope will not be unacceptable to the friends of the motion. Yet I hope that the measure will not be smothered in its birth, by the kindness of its friends, in vainly attempting to give it too great a degree of perfection.

The object of the motion will be obvious. It is, to secure more effectually the independence of the legislative branch of the Government. How very

desirable it is, that those who are the immediate representatives of the people—"the guardians of the sword and the purse" of the nation, and to whom are confided the preservation of the Constitution itself, should be placed above all control, save that of their responsibility to their constituents, and the honest dictates of their own consciences, is a point that all will concede, and requires no argument to prove.

The separation of the great departments of the Government, to wit: the Legislative, the Executive and Judiciary, and the independence of each, but especially the first, has become an undeniable principle. It is indeed, the basis of liberty, and is now received as one of those political truisms so ingrafted upon the very nature of free governments, as that they cease to be free without it. The amalgamation of these departments, into whatever hands, (whether one or two hundred, is immaterial,) has been aptly given, by the authors of the Federalist, and others, as a correct definition of despotism. If, of the three, any one ought to be placed above the influence of the others, it is the Legislature; for, upon this branch depends every thing. It emanates from the source of all power—the people. It is composed of those by whom the interests, the wishes, and the circumstances of the nation are presumed to be best understood. I am far from contending that they should be placed beyond all control. The Legislature may err; and therefore a check has been provided by the creation of the other two departments, not dependent upon the Legislature for the gift or tenure of their offices. Against this Constitutional check upon legislative excess, I urge nothing. My wish is to prevent an unconstitutional and illicit control upon the legitimate exercise of legislative will and opinion; to increase, and to render permanent and safe, that confidence in those to whom are intrusted the most important interests of the people, which constitutes the "strength of the Government." So long as these shall be placed above all influence, except that of their own virtue and intelligence, all will be safe. But, if ever they become "identified with the will of the Executive," and the submissive servants of his wishes, whether by open corruption, or the more concealed instrumentality of the distribution of offices and honors, "the spirit of liberty is gone;" its form will scarcely remain, and the whole machinery of government becomes a feeble and nerveless mass, the sport of intrigue and ambition, and the curse of the nation.

In our Government, and indeed in every other in which this separation of the departments constitutes a principle, that branch into which their consolidation is most to be apprehended is the one in which the power of nomination to office is vested. It is a prodigious engine, and, if skilfully used, can be wielded to the utter prostration of those virtues that give dignity to the citizen. Even where the other departments are placed beyond its reach, it is sufficiently fearful in its operations upon the great body of the people, and cannot, therefore, be watched with too much jealousy.

Under the Federal Constitution, this dreaded instrument is confided to the hands of the Execu-

tive, subject to very little restraint. I say little restraint, because the Senate, intended to control it within proper bounds, is itself left within the sphere of its influence; and I shall not be guilty of the folly of admitting that there is to be found in that body a degree of integrity greater than pervades this House, or the nation at large, or that it is in any manner better protected against the danger of corruption.

A glance at the Official Register, placed during the present session on our desks, will afford ample cause of jealousy of the patronage thus placed in the gift of the Executive. It forms a volume of about two hundred and twenty pages, in a small print, and containing but little else than the names and salaries of the officers appointed, directly, or indirectly, by the President. What is the amount of salary annually paid to this long list of officers I have never pretended to calculate, nor do I know that it would reward the curiosity of him who should undertake the task. Judging from the declarations of others, heretofore made, I should presume that the aggregate sum, inclusive of the Post Office Establishment, would be little, if any thing, short of ten millions of dollars. If this prodigious sum is at all times disbursed for the public interests alone, it will indeed be fortunate for the nation. But it is not difficult to conceive the possibility of it being used for the worst purposes.*

We shall have profited but little by revelation, history, or our observations upon mankind, if we are now blind to human frailty. In all ages, and in all Governments, man has ever shown himself to be the same yielding victim of temptation. That the citizens of our own country are the most virtuous and enlightened of any upon the face of the earth, and our own form of government the most perfectly adapted to promote their happiness, are sentiments flattering to our pride, and which we shall most reluctantly yield. Such sentiments are worthy of being cherished, and all our political measures should aim at their preservation. They will imperceptibly enter into our national character, and eventually contribute much to give reality to that which, at one time, had much the appearance of affection. I hope I shall be the last to destroy them, even were they illusions. But, let us not be misled by our faith in this virtue and perfection. Let us not forget that the citizens of our country are, at last, but men, the issue of a depraved stock, and that, consequently, our Government may not prove to be incorruptible. If we have any real cause to boast, it is not that we are

perfect, but that we are not so corrupted as other nations. To us, as to the people of all other countries, the love of honors and distinctions is so great as to appear natural, and our sacrifices of principle will be proportioned to our desires to obtain them. Hence the eagerness manifested in their pursuit. Let us not flatter ourselves that a seat upon this floor will defend us against the contagion of this universal desire. We are no better, perhaps, after a short period, not so good, as those by whom we are sent. We boast no greater perfection; we pass through no ordeal by which our integrity is more refined. Indeed, it will be wonderful if we are not less secure from contamination than our constituents. Placed just at the great fountain; daily witnesses of the profuse distribution of official favors; observers of the dignity and consequence acquired by the fortunate solicitor, and the rapid and advantageous change made in his style and appearance; it would afford an unexampled test of disinterestedness if our desires were not increased to run the same glorious race, when the prize is importance and fortune, and the only price required is a proper degree of subservience. The proposed amendment will go very far to check this inordinate passion, by removing the temptation. "Place it out of the power of the Executive to buy us," and, by the same operation, "we shall place it out of our own power to be bought." In uttering these sentiments, I set up no pretensions to peculiar integrity. It may be that I should prove not more inaccessible than other men. I know not what effect such a temptation might make upon me. I can only say that it has not been presented, and I have not sought it.

I therefore advance the opinion that office hunting pervades the nation, and that even in this House it is to be found. The means of success has become so much a matter of regular science, that the candidate for favor is distinguishable without difficulty by his conduct. If, indeed, the members of the National Legislature could be withdrawn from the crowd that year after year infest this city, the danger would be lessened. But the appointment of these is a growing practice. To quote instances would be an unprofitable, perhaps an invidious task. We have only to tax our recollections in a silent manner, and cases will arise by the dozen. By proceeding in this manner, a friend and myself have pointed to the appointment of twelve Senators, and about double that number of Representatives, to offices of one kind or another, and probably these do not constitute one-half.

The inquiry would not prove unprofitable to examine with some scrutiny into the political opinions of such as have received appointments under the several administrations of this Government. I think it would result in an acknowledgment, that, with very few exceptions, they will prove to have been the uniform friends and admirers of the Executive Magistrate at whose hands promotion was received; and that, in most of the cases, it was bestowed after a course of the warmest support of their favored chief. Cannot our memories at this time furnish many of us with cases of this

* In the session of 1810-11, a representative in Congress from Massachusetts stated (upon what authority is not known, unless it be actual calculation) that there was "annually distributed, from the great departments, an amount not less than \$5,500,000, and from the Post Office Establishment not less than \$4,500,000, making an aggregate of \$10,000,000." It is believed that this calculation was intended to embrace salaries and emoluments only. Whether correct or not is not known; but this is certain, that neither the number or emoluments of officers have undergone any diminution since that period.

APRIL, 1820.

Amendment to the Constitution.

H. OF R.

kind? Have none of us observed, from conduct sufficient to leave no doubt upon the mind, instances of servility under the mask of affected independence? Can we remember no solicitations by, and recommendations given to, members of Congress? Have we never heard of a wish to obtain a seat first upon this floor, and thence a promotion to the Senate as bringing them nearer to the object of their desires by a kind of regular march to the summit of honor? In short, can we remember no appointments being actually made of these importunate solicitors? Short as has been my political life, I have thought that I have witnessed something of this kind.

To suppose, then, a seat in Congress, and the responsibility of the member to his constituents, are effectual barriers against corruption, is relying too much upon a perfection, that experience contradicts. As I have said, it only brings us within view of the tempting bait. The clause in the Federal Constitution, to which the amendment more particularly attaches, is itself founded upon the possibility of corruption in the Legislature. Its defect is, as I will hereafter attempt to show, that it does not provide a sufficient guard against it.

The history of this Government points to the necessity of this amendment. From this we know that, in times past, the spirit of party has run into extremes in search of offices and dignified stations. We have heard of the creation of offices by an expiring faction, just sinking under public indignation, to be filled by themselves or their friends, in the hope of yet retaining power in some of the departments of Government. Nay, the time has been when the Executive has been reduced to great difficulty by being forced to choose between two legislative friends in search of the same nomination. And here I do not wish to be understood as hinting that there have been open cases of bargain between the Executive and an individual for office. I know of no such case; and, if I did, prudence would induce me to forbear mentioning it. But, where the Executive can give, and the individual wishes to receive, there are a thousand ways in which matters can be understood, and yet never a word spoken. In cases of this kind the Executive is certain to lose one friend, if he appoints either, and, if he refuses both, he forfeits the support of both. By the adoption of the proposed amendment of the Constitution, all these evils and difficulties will be prevented. It will do more; it will afford to our constituents the best possible evidence of the purity of our motives and regard for their interests, unconnected with selfish considerations.

It may be urged that, if the amendment is adopted, it will abridge the rights of the Representative, by debarbing him from that to which every citizen in the Republic is entitled to aspire. This would indeed be the case for a certain term, to wit: "during the time for which he was elected." But, if it is believed that, to secure the purity of legislation, such an abridgement of right is proper, then the Representative has no right to complain, after he shall have consented to take upon him the legislative function, with a knowledge of such a provision in the Constitution.

A more common argument against it is, that it will place beyond attainment the best talents of the country—for that these can only be developed on the floor of Congress. Whatever weight such an objection might have had in the early history of the nation, it has now very little. At this day offices can be as well filled out of, as in, Congress. The very equal distribution of property throughout the country, (when compared with what it is in other countries,) and the very few splendid fortunes owned by those who have had seats in either House of Congress, united with other causes, among which the free and frequent exercise of the elective franchise may be stated, have produced, and will continue to produce, a rapid change in the members of the Legislature. I have not observed that those who have retired are less worthy, or less wise, than those who have succeeded them.

As before hinted, the Constitution does not now provide a sufficient guard against the exercise of Executive influence upon the deliberations of Congress. At present its only provision upon the subject is, that "No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either House during his continuance in office." Here the evil anticipated, and against which provision was made, was the multiplication of offices, and the exorbitancy of salaries. The clause does not obstruct members from obtaining offices previously created, and with the salaries of which they may be satisfied. What is the number of these I have before hinted. That we can move within their tempting vortex with less danger to our integrity than would arise from the open creation of office for our own benefit, is scarcely credible. In truth, the proposed amendment is necessary to the perfection of the clause read. It is true that, to create a perfect guard against all corrupt motives in legislation, is not possible; for instance, it is possible a man might be swerved from correct conduct by the wish to obtain offices for his relatives. In such cases we know not where to stop. At what degree of relationship shall this desire be said to cease? The question admits of no certain answer. But it is not difficult to provide against selfish temptations; and, when this is effected, we shall have done much.

The amendment as proposed has one defect. It does not defeat the possibility of obtaining appointments at the moment of retiring from Congress. Between appointments while a member, and at the moment of ceasing to be so, there is little difference. The evil, if any, is as great in the one case as in the other, if bestowed as the reward of obedience to Executive will. There should, therefore, be a period fixed within which the member may again mix with the great mass of the people before his eligibility to office is restored. During this term, his capacity and qualifications will be undergoing a process of probation and refinement.

If possessed of neither talents nor integrity, he will sink into obscurity, "the world forgetting, and by the world forgot." If, on the contrary, he does possess them, like the Roman, he will be invited again from his retreat, and drawn into the service of his country. I shall, therefore, propose to amend the resolution by inserting the words, "or within one year thereafter."

Before taking my seat, for the purpose of giving all the information I can upon a subject of so much consequence, I will advert to the attempts heretofore made for a similar principle as that under consideration. In the Federal Convention, a similar clause was early introduced, as well in the *projet* submitted by Mr. Randolph, of Virginia, as in that of an honorable gentleman from South Carolina, now a member of this House, (Mr. PINCKNEY.) Notwithstanding the various modifications and revisions of the Constitution, in that body, before its final adoption in its present shape, this clause was retained until almost its last reading. In the ratification of the Constitution by the States of New York and Virginia, and perhaps by some other States, it was recommended as one of the amendments proposed by those States. Finally, in 1810, a distinguished gentleman from North Carolina, now a member of the Senate, (Mr. Macon,) made an attempt to incorporate the principle into the Constitution, by proposing it as an amendment, in Congress. After considerable discussion, it was recommended to a select committee for amendment, who gave it the following form: "No Senator or Representative shall be appointed to any civil office, place, or appointment, under the authority of the United States, until the expiration of the Presidential term in which such person shall have served, as a Senator or Representative." In this shape it was rejected, for the want of very few votes, in order to make a Constitutional majority. The difference between that proposition and the one under consideration will be readily perceived. That left the whole of the United States open to each new President to select, according to his pleasure, such as he deemed qualified for any office within his nomination; but that, after a Senator or Representative shall have once served in Congress, if but for a day, he was ineligible during that Presidential term in which he shall have done it. In their object, to wit, the securing of legislative independence, the effects of the two propositions will be found to differ more in words than substance.

In the remarks I have made I hope I have done injury to the feelings of no one. I certainly did not intend it. I shall also regret very much that any one should suspect me of alluding more to the present than past Administrations of the Government. I disavow every such intention, and have carefully avoided a comparison between them. On this subject, there is little difference between them.

When Mr. COBB had concluded, the amendment reported to the said resolution by the Committee of the Whole on the state of the Union, was then read and concurred in by the House, and the said amendment, as amended, is in the words following, to wit:

"No Senator or Representative in the Congress of the United States shall, during the time for which he was elected, or within one year thereafter, be appointed to any civil office under the authority of the United States."

On the question to order the resolution to a third reading, a debate arose, which occupied about two hours. The gentlemen who engaged in the debate were Messrs. PINDALL, BRUSH, SIMKINS, NEALE, COBB, ROBERTSON, SERGEANT, and CUSHMAN.

Mr. SIMKINS, of South Carolina, said:—Notwithstanding, Mr. Speaker, the aversion of the House to see its precious time consumed in speeches, yet an imperious sense of duty constrains me to call attention to a measure extraordinary in its nature and consequences. Sir, the proposed amendment is bottomed upon an improper and unfounded distrust of the members of Congress—a distrust not warranted by any thing past or present in our legislative history. The proper selection of all officers in the power of the Executive of the United States depends on a correct and perfect knowledge of the persons to be appointed. This knowledge, in a country so extensive and so diversified as ours, is hard to be obtained. How can it be most accurately obtained? Is the true question now to be discussed and decided. My opinion, most unequivocally, is, that it can be had with more precision and more certainty from the legislative hall of the nation than from any other quarter whatever. Here every member is in the eye of the nation, and on its most interesting theatre. Here it is that a man becomes not only better known, but more perfectly identified with the history, measures, and successes of the National Government, instituted to secure the prosperity and promote the happiness of the whole nation. Here it is that a man's political principles, honesty, and talents, are more thoroughly tested and tried than in any other situation; and here it is that knowledge to see, and experience to inquire the public good, can be most certainly, usefully, and easily obtained.

If the President, in making choice of important officers, not only for his Cabinet, but for foreign missions, and a great many other important objects, is cut off from members of Congress, as the present amendment contemplates, where is he to look, or from what sources can he collect information to direct him? Can he look to the different State Legislatures? If he does, how few can he find there who have so pre-eminently distinguished themselves as to be sufficiently known to the President or the nation. Is he, then, to rely on the representations of factious and partisan newspapers? or, if not, on the representations of men equally factious and partial, endeavoring to promote the views of some connexion or personal favorite, who may or who may not have merit? Sir, the information obtained in this way would be not only vague and uncertain, but would come often through a stream so polluted and muddy as to be of a most dangerous character.

But it may be said that members of Congress may be appealed to for a history of the character and qualifications of those fit to be appointed.

APRIL, 1820.

Amendment to the Constitution.

H. OF R.

Admitted; but this introduces a mischief infinitely more alarming than your amendment can remedy. You compel the President to receive their information, which must often be personal, partial, and sometimes, of course, unfounded, instead of giving him an opportunity of judging for himself of men immediately in his view, and upon his own responsibility. When a member serves in this body for years, if he has talent and industry, he must become useful, prominent, and distinguished. He is not only tried in talent, but in political honesty and consistency. He becomes national property, and the President is driven to no second hand, to no uncertain or doubtful channel for character or information. He is enabled to judge for himself.

But this is not the only inconvenience in being compelled to receive recommendations through members of Congress. You thereby make members partisans and intriguers for offices for their personal friends. You increase the evil your amendment purports to remedy. You contaminate and debase the very source which you affect to preserve pure. You set the artful and ambitious among the people to electioneer for members of Congress, to enable them thereby to obtain offices; and you set members of Congress to intriguing for offices, that they may promote and insure their elections.

The member from Georgia who proposed this amendment said, that, in turning his attention for a few years back, he found that the Presidents had taken ten or twelve members from the Senate, and, perhaps, double that number from the House of Representatives, to fill offices within his gift. Agreed, sir; and what does the gentleman prove by this? Has he shown us that these offices have been disgraced, or the National Legislature injured by this course? Can he say that the offices have been not well filled and their duties faithfully performed? I aver that, in general, this has been the case; and, if he wishes to draw any inferences favorable to his amendment, he ought to have shown this. It was his duty to have proved to this body the dangerous consequences arising from the facts he states. Sir, we have seen no such consequences, nor do I believe we ever shall. Intrigues and designs belong more to ambitious men out of Congress than in it, and many instances could be mentioned to prove this assertion. Members of Congress are upon their good behavior before the whole nation. They obtain a political standing and character in the eyes of their country, which become sanctioned and consecrated, and this character and standing can only be retained by a steady, honest, and consistent political course; and let me tell the House, that the President would lessen, and eventually destroy his own character, if he did not appoint men of tried patriotism, unquestionable experience, and distinguished talents. His own reputation is identified with that of the officers of his own creation.

But, suppose you adopt the amendment, where will he go for his distinguished officers? We have already seen that there are very few men whose talents are so exalted, or whose career is so bright, as to introduce them to the view of the

President whilst they act in the comparatively narrow compass of a State. He must, then, resort principally to his diplomatic corps in foreign countries for his appointments; and can those who have resided abroad for years, removed from the habits, political institutions and government of their own country, and who may imperceptibly to themselves have imbibed a slight tinge of foreign habits and notions, if not principles—I say, is it safe to confine the President to those, principally, to fill his highest offices?

Sir, I am not disposed to degrade Congress in the manner this amendment contemplates. I have seen often much reason for admiration of the conduct of very many members; and, so far from this illiberal distrust, I have confidence in the body of whom I have the honor to be a member—I deem the members honorable and fit for any trust, and this is the theatre on which to try their integrity and usefulness; and permit me to say they will, in proportion to their services here, be more and more fitted for the higher and more honorable offices, if there are any such.

Sir, it may be said that members should feel a delicacy in opposing this amendment, because it goes to destroy their chance for offices. I, for one, feel no such delicacy—I seek not, nor do I expect promotion—but, for the good of the nation, I would not confine the President in his choices, and, least of all, would I cut him off from a body, from its very nature, better calculated to afford good officers than any other. I, then, see no reason for thus disfranchizing members of Congress, and stigmatizing them in the eyes of the nation; and, Mr. Speaker, permit me to say that, if I were compelled either to exclude members altogether, or to choose from among them alone, I would prefer the latter alternative.

It is, therefore, I think, evident that it would be unwise to exclude the Executive from his choice among members of Congress, because they are, from their very situation, better known to the President and the nation.

Because their political and moral integrity will be more thoroughly tried;

Because they will acquire greater experience and knowledge on a theatre at which almost all men of promise aim; and

Because, by a probation on this theatre, men become more national, more attached to, and identified with the Constitution and measures of their Government; and because they become, in truth, more truly American.

MR. CUSHMAN, of Massachusetts, said, when the resolution was first submitted, he was inclined to view it with benignant sensations; but, upon reflection, he now viewed it with less complacency. The amendment would not answer the purpose contemplated. That ambition must be short-sighted, indeed, which did not look ahead beyond two or even six years. And, supposing a man capable of being moved by any influence that might be exerted upon him, he would make his calculation of being, for the limited term, a good and faithful servant; and then waiting, in humble assurance, after a short period, of entering into the

H. OF R.

Proceedings.

APRIL, 1820.

joys of his political lord. But, contended Mr. C., should the amendment proposed lessen the chance of Executive influence, as was the avowed object of the honorable mover, he apprehended more injury from the diminution than benefit. The Executive he conceived to be the weakest co-ordinate branch of the Government. He was unwilling to abridge any of its Constitutional prerogatives, or to impair the influence of any patronage which, by the Constitution, might be attached to it. The influence of the Executive, to his knowledge, never had been improperly exerted; it had generally been salutary in its effects. There could be no just objection to this legitimate influence, that its benefits had been usually experienced by the friends of the Chief Magistrate. Who should be benefited in preference to his friends? who, in his opinion, must also be the friends of the nation. Other things being equal, a preference should be given to friends. Who be to the man who neglects his friends and courts his enemies, and relies on their attachment for his support! It was said of Charles II., of England, that, when he passed an act of indemnity to his enemies, he consigned his friends to oblivion.

Mr. C. hoped that no supreme Executive of the United States would ever incur a similar reproach. Gentlemen, conscious of human frailty, were of opinion that the safety of human virtue depended materially on its exemption from trial. He was not disposed to dispute the justness of the sentiment. They had enforced their doctrine by the highest authority: "Lead us not into temptation." He acknowledged its pertinence—he felt its force. But virtue, Christian virtue, as pure as it is in its source, does not usually flourish without the hope of receiving its appropriate rewards. Will patriotism attain its full vigor if denied all nourishment, every motive that may serve to water its root and expand its germ? Gentlemen had enforced and adorned their reasoning by Scripture language. He trusted he also, without any unfavorable imputation, might be indulged in a similar liberty. "Be not weary in well doing; for in due time you shall reap, if you faint not." The motive here contained is no less useful to animate the patriot than it is the man of piety. The proposed amendment, as it was not calculated to answer the end proposed—and if it were, the effect would not be salutary, as it would lessen a motive to extraordinary exertion for the public good—ought not, in his opinion, to be adopted.

The question was then taken, Shall the said resolution be engrossed, and read a third time? and determined in the negative—yeas 72, nays 87, as follows:

YEAS—Messrs. Abbot, Adams, Alexander, Allen of Massachusetts, Allen of New York, Allen of Tennessee, Archer of Virginia, Baker, Ball, Barbour, Bayly, Beecher, Boden, Burwell, Butler of New Hampshire, Butler of Louisiana, Cannon, Cobb, Cocke, Crafts, Crawford, Crowell, Culpeper, Earle, Edwards of North Carolina, Fay, Floyd, Garnett, Gross of New York, Hall of New York, Hall of North Carolina, Hendricks, Herrick, Heister, Hooks, Jones of Virginia, Jones of Tennessee, Kendall, Kent, Little, Marchand,

Meigs, Mercer, Metcalf, Monell, Morton, Murray, Neale, Overstreet, Phelps, Pindall, Plumer, Reed, Ross, Russ, Sawyer, Sloan, Slocumb, B. Smith of Virginia, Storrs, Strong of Vermont, Swearingen, Tarr, Terrell, Tracy, Trimble, Tucker of South Carolina, Tyler, Van Rensselaer, Whitman, Williams of Virginia, and Williams of North Carolina.

NAYS—Messrs. Archer of Maryland, Baldwin, Bate-man, Bloomfield, Brown, Brush, Bryan, Buffum, Campbell, Case, Clagett, Clark, Cook, Culbreth, Cushman, Cuthbert, Darlington, Davidson, Dennison, Dewitt, Dowse, Eddy, Edwards of Connecticut, Ervin, Fisher, Folger, Foot, Ford, Fuller, Gross of Pennsylvania, Hackley, Hall of Delaware, Hardin, Hazard, Hibshman, Holmes, Hostetter, Kinsey, Kinsley, Linn, Livermore, Lowndes, Lyman, Maclay, McCoy, McCreary, McLane of Delaware, McLean of Kentucky, Mallary, Mason, R. Moore, S. Moore, Moseley, Nelson of Massachusetts, Nelson of Virginia, Newton, Parker of Massachusetts, Parker of Virginia, Patterson, Philson, Pitcher, Rankin, Rhea, Rich, Richards, Richmond, Ringgold, Robertson, Rogers, Sampson, Sergeant, Settle, Shaw, Silabee, Simkins, Smith of New Jersey, Smith of North Carolina, Southard, Stevens, Street, Strong of New York, Taylor, Tomlinson, Tompkins, Wallace, Wendover, and Wood.

And so the said amendment was rejected.

MONDAY, April 17.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to which was committed the engrossed bill for the relief of Ann McIntire, widow and administratrix of Andrew McIntire, deceased, reported the same, without amendment. And on his motion the bill was postponed indefinitely.

Mr. SMITH, from the same committee, to which was also committed the engrossed bill for the relief of John Wells, reported the same without amendment. Mr. S. moved that the bill be also postponed indefinitely; when, it was ordered to lie on the table.

Mr. MORTON, from the select committee, to which was referred the resolution from the Senate fixing a period for the termination of the present session of Congress, made a report in part, which was read and ordered to lie on the table.

Mr. HARDIN moved that the select committee to which is referred the resolution from the Senate fixing a period for the termination of the present session of Congress, be discharged from the further consideration thereof, which was decided in the negative—yeas 68, nays 71.

Mr. SLOCUMB then moved that the House do now proceed to consider the resolution submitted by him on the sixth ultimo, to fix a period for the termination of the present session.

And the question was then taken, by yeas and nays, Will the House now proceed to consider the said resolution? and was decided in the negative—yeas 86, nays 70.

On motion of Mr. COCKE,

Ordered, That the letter from the Secretary of War transmitting copies of contracts, &c., entered into at the War Department, since the year 1815, for the building and repairing arsenals, magazines, and armories, be referred to a select committee;

APRIL, 1820.

State of Manufactures—Seminole War—Sale of Public Lands.

H. OF R.

and, Messrs. COCKE, SIMKINS, and STORRS, were appointed the committee.

Mr. LOWNDES laid before the House a letter from C. N. BUCK, in relation to the case of the Danish brigantine *Henrick*; which was referred to the Committee of the Whole to which is committed the report of the Committee on Foreign Relations on that case.

The bill from the Senate, entitled "An act relative to the Arkansas Territory," was read a third time and passed.

An engrossed bill, entitled "An act to annex certain lands within the Territory of Michigan to the land district of Detroit," was read a third time and passed.

"A resolution giving the consent of Congress to a compact concluded between the States of Kentucky and Tennessee, for the settlement of their boundary line," was read the third time and passed.

Mr. STORRS moved that the House do now proceed to consider the bill confirming the title of the Mohican or Stockbridge tribe of Indians to certain lands. The motion was negatived.

STATE OF MANUFACTURES.

On motion of Mr. LOWNDES, the House proceeded to consider the resolution submitted by him, on Saturday, calling on the Committee of Manufactures to report certain information respecting the state of manufactures in the United States.

On this proposition arose a short debate, in the course of which the motion was supported and opposed as follows: Affirmative—Messrs. LOWNDES, TYLER, BARBOUR, and CULPEPER; negative, Messrs. BALDWIN, SERGEANT, FULLER, GROSS, of New York, and LITTLE.

Those who supported the motion argued, that encouragement was demanded for our manufacturers by increased duties, on the ground that they were now oppressed and ruined; that it was necessary to have these facts to know how far these allegations were true or otherwise—to know whether the distress complained of was in fact real or supposititious.

On the other hand, it was argued, that the revision of the tariff had been proposed by the Committee of Manufactures from considerations of national policy, and not from a minute investigation of details; that the information asked was not such as a committee of this House ought to be required to give, and which each member could as well procure for himself as a committee for him; and that the adoption of the resolve would serve the purpose of delay, &c.

The question being taken, by yeas and nays, on agreeing to the resolve, there were—For the resolution 72, against it 90, as follows:

YEAS—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Ball, Barbour, Bryan, Buffum, Burton, Burwell, Butler of New Hampshire, Butler of Louisiana, Cannon, Clagett, Cobb, Cocke, Crafts, Crawford, Crowell, Culpeper, Cuthbert, Davidson, Edwards of North Carolina, Ervin, Fisher, Floyd, Fuller, Garnett, Hall of North Carolina, Hardin, Hill, Holmes, Hooks, Jones of Virginia, Jones of Tennessee, Kent, Livermore, Mc-

Creary, Meech, Mercer, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Virginia, Pinckney, Pindall, Plumer, Rankin, Reed, Rhea, Ringgold, Robertson, Settle, Silsbee, Simkins, Slocumb, Smith of Maryland, B. Smith of Virginia, Smith of North Carolina, Strong of Vermont, Swearingen, Terrell, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker, Williams of Virginia, and Williams of North Carolina.

NAYS—Messrs. Adams, Allen of New York, Baker, Baldwin, Bateman, Beecher, Bloomfield, Boden, Brown, Brush, Campbell, Case, Clark, Cook, Culbreth, Cushman, Darlington, Dennison, Dewitt, Dickinson, Dowse, Edwards of Connecticut, Edwards of Pennsylvania, Fay, Foot, Ford, Forrest, Gross of New York, Gross of Pennsylvania, Hackley, Hall of New York, Hall of Delaware, Hazard, Hendricks, Herrick, Hibshman, Heister, Hostetter, Kendall, Kinsey, Kinsley, Little, Linn, Lyman, Maclay, McLane of Delaware, McLean of Kentucky, Mallary, Marchand, Mason, Meigs, Metcalf, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Newton, Parker of Massachusetts, Patterson, Phelps, Philson, Pitcher, Rich, Richards, Richmond, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Shaw, Sloan, Smith of New Jersey, Southard, Stevens, Storrs, Street, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Trimble, Van Rensselaer, Wallace, Wendover, and Wood.

So the resolution was rejected.

SEMINOLE WAR.

The House then resolved itself into a Committee of the whole on the bill for the relief of the officers and volunteers engaged in the late campaign against the Seminole Indians, Mr. CAMPBELL in the chair.

The bill was reported to the House.

Mr. CANNON made a few observations in favor of the bill.

Mr. PINDALL moved to lay the bill on the table, with the view of obtaining information whether or not these men received their forty cents per day for the use of the horses, after those horses were dead, until the end of the campaign.

This motion was supported by Messrs. PINDALL and HARDIN, and opposed by Messrs. CANNON, JONES, and ALLEN, of Tennessee.

It was decided in the affirmative—70, to 63. So the bill lies on the table.

SALE OF PUBLIC LANDS.

The House then resolved itself into a Committee of the Whole, on the bill extending the time for the redemption of lands sold to pay the direct tax in certain cases.

Mr. SERGEANT moved an amendment to provide how deeds shall be made to purchasers of lands sold for the payment of the direct tax, where there is no collector now to do it.—Agreed to.

No other debate or proceeding took place on this bill. To the same Committee of the Whole was referred two or three other bills; among them, the bill from the Senate, making further provision for the sale of the public lands (for changing the system from a credit to cash payments.)

Mr. ANDERSON delivered a speech of half an hour's length in favor of the bill.

H. OF R.

Sale of Public Lands—Public Expenditures.

APRIL, 1820.

Mr. JONES delivered his sentiments at considerable length against the bill.

Mr. CROWELL, of Alabama, followed, also in opposition to the bill.

Mr. BRUSH, of Ohio, spoke in support of the bill.

Mr. BROWN, of Kentucky, followed in opposition to the bill.

Mr. FULLER, of Massachusetts, spoke in support of the bill; when, on motion of Mr. ROBERTSON, the Committee rose, and the House adjourned.

TUESDAY, April 18.

Mr. KENT, from the Committee for the District of Columbia, to which was referred the bill from the Senate, entitled "An act to incorporate the inhabitants of the City of Washington, and to repeal all other acts upon that subject," reported the same with amendments; which were read, and, together with the bill, ordered to lie on the table.

On motion of Mr. WILLIAMS, of North Carolina, the Secretary of War was directed to lay before this House the proceedings of the court martial on the late trial of William King, colonel of the fourth regiment of United States' infantry.

A message from the Senate informed the House that the Senate disagree to the first amendment proposed by this House to the bill, entitled "An act to establish a district court in the State of Alabama;" and they agree to the second amendment to the said bill, with an amendment. They have passed bills of the following titles, to wit: "An act to provide for clothing the Army of the United States, and for other purposes;" and "An act to provide for the expense of surveying certain parts of the coast of North Carolina, and for other purposes;"—in which amendment and bills they ask the concurrence of this House.

The SPEAKER laid before the House a report from the Secretary of State, enclosing a copy of the act of the Legislature of Pennsylvania, called for by a resolution introduced by Mr. PINDALL, some days ago, entitled "An act to prevent kidnapping." It was referred to the select committee appointed on the subject of reclaiming fugitives from labor.

The bill this day received from the Senate, for clothing the Army in domestic fabrics; and the bill from the Senate to provide for the expense of surveying the coast of North Carolina;—were severally read twice, and referred.

The engrossed bill extending the time allowed for the redemption of land sold for direct taxes, and purchased on behalf of the United States, was read the third time, passed, and sent to the Senate for concurrence.

PUBLIC EXPENDITURES.

Mr. SIMKINS, from the Committee on Public Expenditures, made a report in obedience to the resolution directing them "to inquire and report the amount of the several items which are charged upon the contingent fund, and whether in their opinion the expenditures may not in future be diminished, consistently with the public interest and the accommodation of the two Houses of Con-

gress;" which were read, and ordered to lie on the table. The report is as follows:

The Committee of Public Expenditures, who were required, by a resolution of this House of the — day of December last, "inquire and report the amount of the several items which are charged upon the contingent fund, and whether, in their opinion, the expenditures may not in future be diminished, consistently with the public interest and the accommodation of the two Houses of Congress," beg leave to report:

That they immediately took into consideration the above resolution, and, although strictly speaking, their inquiry might seem to have been directed to the contingent expenses of the House, of which they are members, yet they thought it embraced within the scope of the resolution to go further. In conformity thereto, they promptly addressed a letter to each of the heads of the Executive Departments, viz.: the Secretary of State, the Treasury, of War, and of the Navy, of which the paper marked A is a copy. That, from the first, they received the letter and documents contained in the envelope marked B; from the Secretary of the Treasury, they received the letter, documents, and vouchers marked C; from the Secretary of War, the letters and documents contained in the envelope marked D; and from the Secretary of the Navy, the letters and items contained in envelope E; which letters, documents, and vouchers contained all the information of importance, touching the said resolution, which could be obtained from these Departments.

It is true that the attention of the committee has been directed to some charges of abuses alleged to have taken place in the Navy Department, some two or three years ago. That to these charges the committee directed the attention of the Secretary of the Department, whose peculiar province and duty the committee deemed it to be to supervise and regulate his Department, and correct abuses, if any existed therein.

Upon the whole, this part of the transaction has ended in charges on the one hand, and details on the other, many of which were of a private and individual character; and, inasmuch as no practical result could, in the opinion of your committee, grow out of a further perseverance in an investigation of such a nature, they think it best to leave the affair with the head of the proper Department, considering that abuses (if any have existed) will be promptly and effectually corrected.

Your committee, in turning their attention to the contingent expenses of this House, (for with those of the Senate they did not feel it their duty to interfere,) applied to the Clerk for information, who, with promptness, gave his personal attention before your committee at two different times, and afforded all the information in his power; the substance of which is contained in a letter from him, herewith submitted and marked F.

That the existence of impositions to a certain but perhaps unavoidable extent, in the quality and even quantity of stationery and other articles furnished this House, and in the wood provided for its consumption, are not only possible, but even probable, although the committee have not been able to designate any particular case, and beg leave to suggest that the correct management, safety, and economy of all these articles

APRIL, 1820.

Stockbridge Indians—Sales of Public Lands.

H. of R.

must mainly depend upon the vigilance and fidelity of the officers of the House.

After the most diligent investigation which your committee have been enabled to make, their inquiries have resulted in not being enabled to detect any abuses, if any have existed, or do exist; nor have they been able to discover how, or in what manner, the expenditures upon the contingent fund of this House can be diminished, consistently with the public interest, or its comfortable accommodation.

The report was ordered to lie on the table.

The House took up the bill to establish a district court in Alabama, and insisted on their amendment, reducing the salary of the judge from 2,000 to 1,500 dollars, which had been disagreed to by the Senate, and disagreed to the amendment of the Senate adding fifty dollars to the salary of the district attorney.

STOCKBRIDGE INDIANS.

The House took up the bill to confirm the title of the Mohican or Stockbridge Indians to certain lands lying on White river, in Indiana; upon which much discussion arose, and, after several amendments had been proposed, some of which were adopted and others rejected, the question was taken on the engrossment of the bill for a third reading, and decided in the negative by yeas and nays—for the engrossment 52, against it 93:

YEAS—Messrs. Allen of Massachusetts, Allen of New York, Archer of Virginia, Baker, Bryan, Butler of New Hampshire, Clark, Crawford, Cushman, Cuthbert, Davidson, Dewitt, Dickinson, Dowse, Edwards of Pennsylvania, Ford, Forrest, Gross of New York, Hackley, Jones of Virginia, Kent, Kinsey, Livermore, Lowndes, Lyman, Maclay, McCreary, Mason, Meigs, Mercer, Monell, Neale, Nelson of Massachusetts, Nelson of Virginia, Pinckney, Pindall, Pitcher, Richmond, Robertson, Settle, Southard, Storrs, Strong of New York, Taylor, Tomlinson, Tompkins, Tracy, Trimble, Tucker of South Carolina, Van Rensselaer, Williams of North Carolina, and Wood.

NAYS—Messrs. Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Baldwin, Ball, Barbour, Bateman, Beecher, Bloomfield, Boden, Brown, Brush, Buffum, Burton, Burwell, Butler of Louisiana, Campbell, Cannon, Case, Claggett, Cobb, Cook, Crafts, Culbreth, Culpeper, Darlington, Dennison, Earle, Eddy, Edwards of Connecticut, Fay, Fisher, Floyd, Folger, Foot, Gross of Pennsylvania, Hall of Delaware, Hall of North Carolina, Hardin, Hazard, Hendricks, Herick, Hibshman, Heister, Hill, Holmes, Hooks, Hostetter, Jones of Tennessee, Kendall, Kinsley, Little, Linn, McCoy, McLean of Kentucky, Mallary, Metcalf, R. Moore, Morton, Murray, Newton, Overstreet, Parker of Massachusetts, Parker of Virginia, Patterson, Phelps, Philson, Plumer, Rhea, Rich, Richards, Ringgold, Rogers, Ross, Sampson, Silsbee, Simkins, Sloan, Slocumb, Smith of New Jersey, B. Smith of Virginia, Smith of North Carolina, Stevens, Strong of Vermont, Tarr, Terrell, Tucker of Virginia, Tyler, Walker, Wallace, Wendover, and Williams of Virginia.

And so the said bill was rejected.

SALES OF PUBLIC LANDS.

The House then resolved itself into a Committee of the Whole, on the bill from the Senate reducing the price of the public lands, and establishing cash payments therefor.

Mr. ROBERTSON, of Kentucky, addressed the Chair as follows:

Mr. R. said, that it was with reluctance and unfeigned diffidence he had taken the floor to offer to the Committee any thing which he would be able to say on the interesting subject under consideration. He was not friendly to apologetical speeches, nor in the habit of making them. But he owed to the Committee an apology for his inability, owing to the circumstances under which he appeared before them, to make them any adequate return for their kind indulgence in rising, on his motion, to give him a full opportunity to deliver his sentiments. Laboring under severe indisposition, he was totally incapacitated to do justice to the Committee, or to the subject which he was about to discuss. Under this embarrassment, well aware of the magnitude of the subject, and of the delicate and interesting considerations involved in its discussion, and the great interest to be affected by its decision, he would not, if permitted to consult his feelings, obtrude himself on the Committee, but would surrender the floor most cheerfully to some other member who could entertain them more profitably and acceptably than he could hope to do under the most favorable circumstances. But the peculiar situation in which he happened to stand left him no such discretion. He felt himself constrained, by a sense of duty to his State and to himself, to give some of the reasons which would influence his vote.

Having introduced, early in the session, a resolution instructing the Committee on Public Lands to inquire into the expediency of the measure now under consideration, it was necessary, lest he might be suspected of a dereliction of duty, to defend the policy of the system he had recommended. And, having the misfortune not to be supported by the co-operation of some of his colleagues, who opposed the bill from an apprehension that it would injure the Western country, (part of which he represented,) and aimed a blow at its prosperity and influence, he felt imperiously called upon, by considerations which he could not resist, and obligations from which he should not shrink, to vindicate the policy of his course, and endeavor to maintain the rectitude of his opinions and the integrity of his motives.

He said, that he was not so vain as to suppose that he would be able to offer to the Committee any considerations in favor of the bill which had not occurred to them, but he did hope and believe that he should be able successfully to defend his opinions with the nation, and even the Western country. Crude and uninteresting as the desultory observations he should make must necessarily be, he hoped the Committee would hear him patiently. No one could be insensible to the importance of the subject, or to the necessity of serious and sober deliberation in deciding on it. It was a question in which not only the Government but the people—not only the West but the East—not only the present generation but posterity—was in some degree interested. He feared that its importance was not sufficiently felt, nor its character and its tendencies fully understood.

He would not attempt to give it any factitious importance. It was, intrinsically, as interesting to the people as any subject that engaged the attention of Congress during the present session. Whether regarded in its effects on the fiscal concerns of the Government, or the strength, prosperity, and independence of the West, or its inevitable moral and political tendencies, it had strong claims to the most dispassionate consideration.

Having bestowed on the subject, said Mr. R., all the reflection that its importance and a due respect for the opinions of others required and his limited means permitted, and having come to the conclusion that the passage of the bill was demanded by considerations of policy, which he thought a statesman could not safely resist, he could not hesitate to give it his vote, disregarding the consequences that had been threatened. He felt bound to discharge his duty impartially, and he should do it fearlessly.

He said he regretted that he could not co-operate with his colleague, (the SPEAKER,) whose feelings on this subject he admired, but with whose opinions he could not concur.

But he must be permitted, on this as well as all other occasions of public duty, to pursue the dictates of his own conscience and judgment. He acted, he said, on his own responsibility; and, if he was wrong, it was sufficient for him that he believed he was right. And on this subject, he said, others might think as they pleased, but he felt a strong conviction that the adoption of the cash system would promote not only the interest of the General Government, and of the people of the United States, but the substantial and permanent interest of the Western country.

Mr. R. said, that the question was not whether the plan for selling the public lands, now proposed as a substitute for the one in operation, was unexceptionable, or would effectually prevent the recurrence of all the abuses and difficulties which it was acknowledged had resulted from defects in the latter, but only whether it be more perfect, and better suited to the purposes for which the old system was established.

He said, that the Senate's bill, like all other human productions, however perfect in theory, would no doubt in its execution be found liable to some objections. But these, he felt sure, would be comparatively insignificant; and he thought that the proposed law was not only better than the existing one, but as perfect as the experience of twenty years and the circumstances of the times and the country would enable Congress to make it.

He said, that, in opposition to the bill, it had been urged that the present system was a venerable one, and not to be changed unless practical men should pronounce the change necessary. He did not profess to be a very "practical man," or to know more on this subject than others, but he thought that no one should be denounced as a rash or unskilful innovator, who should, after an experiment of twenty years, endeavor to correct abuses and prevent difficulties which it had disclosed, and which might produce consequences which, if not averted by timely interposition, might embar-

ass the Government and disturb society. He thought that if the system which had been in operation twenty years was known to be defective, it should be amended; and that, if the argument of innovation was applicable now, it never would be inapplicable. As to "practical men," he said, he did not precisely comprehend its import. But he supposed that those who had observed and felt the operation of the present system, from its adoption until now, might be considered sufficiently "practical" for all the purposes of the bill; and, although he was unwilling to adopt the opinions of others, merely because he might consider them "practical men," he would tell the gentleman from Tennessee (Mr. JONES) that he believed the most practical men in the United States, on land subjects, were in favor of the change proposed in the bill under consideration. He would ask, who was more "practical" on all subjects that concerned the public lands, than a late Senator from Ohio? (Mr. MORROW.) And whose opinions had, and deserved, more universal influence? He had been well called, by a Senator from Kentucky, in a discussion on this subject last session, (Mr. CRITTENDEN) the Palinurus of the Senate. And was it so soon forgotten that he wished to make the adoption of the system now proposed the last act of his long political life? That he felt and avowed the necessity of reforming the present system? And, said Mr. R. the voice of the people will applaud him.

By the law now in operation, said Mr. R., the public lands are sold in quantities not less than one hundred and sixty acres, and at a price not less than two dollars per acre, one-fourth paid at the time of sale, and the remainder in four years; with interest, if not punctually paid, and the land forfeited if the whole consideration be not paid in five years. The bill before the Committee proposes to sell the public lands for cash, at a price not less than one dollar twenty-five cents per acre, and in tracts containing not less than eighty acres.

The first system, he said, having been tried twenty years, was ascertained to be defective. The last is intended to remedy the defects of the first, which, it was believed, might be effectually and safely done. The first, it was true, had been prepared with great care, and was considered, when adopted, better adapted than any other that could be devised to the ends for which it was instituted. These ends were, 1st, revenue; and 2d, the promotion of the general and substantial interests of society, by extending population, and encouraging industry, and the domestic, social, and civic virtues. But, said he, consistently with those purposes, it is ascertained that it cannot be fully executed. The experience of twenty years had demonstrated its inefficiency, and its tendency, from abuse and accident, to consequences unforeseen and mischievous. Instead of proving a sure resource of revenue, he believed that, ere long, the Treasury could not rely on it; instead of meliorating the condition of the poor, it had been frequently an instrument in the hands of the rich, by which they were enabled to oppress them and enrich themselves; instead of strengthening the

APRIL, 1820.

Sales of Public Lands.

H. OF R.

Union, and enriching the country, he feared that, if persisted in, it would tend to weaken the one, and embarrass the other; instead of increasing the resources of the West, he believed it would tend to their subduction; in short, he believed that it could not long be continued in operation, without creating the most unpleasant embarrassments in the Government, and among the people. That it was defective, he said, he believed all acknowledged. But, in regard to the nature and extent of its defects, their operation, and ultimate tendency, and their remedies, there was a diversity of opinion. However, for all his purposes, it would only be necessary to show one radical defect, and that the proposed substitute would remedy it, without producing any bad effects that legislation could prevent.

This radical defect, he said, he found in the credit given to the purchaser, and he believed that the most serious difficulties that had occurred, or would occur, under the operation of the credit system, might be ascribed to the credit.

Mr. R. said that he should not venture to state that the revenue had been diminished by the sale of public lands on credit. It was impossible to ascertain, with certainty, whether there had been diminution in its amount, as the cash system had never been tried; but, he would venture to predict that there would, in a few years, be a loss inevitably, unless the bill before the Committee should become a law. It was well known, he said, that applications had been made, by purchasers of public lands, for many years successively, for indulgence, and that laws had been repeatedly passed, exempting from forfeiture lands which had been purchased on credit, and for which the purchasers had failed punctually to pay. This kind of indulgence had almost become a matter of course. It had been extended, with a few exceptions, annually, for more than ten years. He believed it had never been refused, and he doubted whether it ever would be. A bill had been engrossed this morning, extending the indulgence one year longer; and it was obvious that a similar law must pass at the next session, and for many consecutive years, or the debtors for the public lands must be subjected to great distress, and many of them to ruin. Mr. R. said that he did not wish to be understood as intimating that the indulgences heretofore given were unnecessary or improper. On the contrary, he was sure that they had been proper, and that it would be necessary to renew them. But, he thought that that policy must be unwise which subjected the National Legislature and the people to such vexatious embarrassments, and that any system which required such temporary and mitigating expedients in its operation, must be radically defective. The necessity of continued indulgence indicated very clearly the necessity of changing the system which produced it. Indeed, said he, every argument that has been, or could be, urged in favor of indulgence, tends strongly to show the propriety of refusing, in future, that credit, which has rendered such arguments proper and necessary.

He said that he had heard it frequently stated,

and his friend from Tennessee (Mr. JONES) had reiterated it, that the accumulation of the debt for the public lands, and the inability of the debtors to discharge it, resulted from temporary and accidental causes, and that it was not probable that the indulgence thereby rendered necessary would long be required.

He would not, he said, enter into an examination of those circumstances alluded to by the gentleman in support of that opinion, because their character rendered a minute investigation of them unnecessary. He thought it easily demonstrable that the causes of the accumulation of the debt were neither accidental nor temporary: they existed in the nature of the system, and would continue to produce their results as long as it should be kept in operation. The circumstances mentioned by the gentleman may have had some influence on the extent of the increase, but if they had never occurred the debt would have grown, and indulgence have been necessary. The debt had been gradually accumulating for many years: in good times, and in bad times, and under all circumstances.

It could not reasonably be expected that a man who should be able to pay only the first instalment for a tract of land, could transplant himself and family in the Western wilds, open a farm, build his houses, support his family, and be able in four years to save, by the cultivation of the soil, as much as would pay the remaining three-fourths of the consideration. Under the most auspicious circumstances, some of the purchasers must unavoidably become delinquent. But if misfortune or calamity should fall on the public debtor, or the currency should be deranged, or the seasons unpropitious, or the market for agricultural products dull or unprofitable, how would the debt be punctually discharged? But, said he, add to these considerations the exorbitant prices which the advantages of credit tempt the speculator to promise, (and which is the most fruitful source of accumulation,) and which it is impossible that he can ever pay, and how inevitable is the growth of the land debt? It must continue to increase as long as credit shall be given.

Such a system, said he, liable to so many contingencies, must be intrinsically defective. It could not long be continued in operation without defeating the ends of its institution. It could not be executed. He would not say that, if persisted in, it would eventually create a debt so large that it never could be paid; but he would say, and was bound to believe, that the debt would become so much augmented, that its entire collection would be difficult, remote, doubtful, and perilous. And he should not attempt to disguise his apprehension that it never would be entirely collected; or, if collected, that it would be done under circumstances which would prove that it would have been better that it had never been either contracted or coerced. He felt compelled to believe that, if the credit be continued much longer, the Government would necessarily lose a great part of the proceeds of sales, or would have to secure them at the expense of the best interests of the Union.

He was unable to perceive how such a dilemma

could be avoided. The people could not pay the debt now due: that debt must increase; the causes are permanent, and the effects inevitable. When, and how, he asked, would it be collected? If it will be difficult or impossible to collect twenty-two million, how much more so will it be to collect, with safety, one hundred million? Will you, said he, refuse further indulgence, and thereby subject the land to forfeiture? Then, passing by other consequences, you distress and ruin many of the purchasers; and, in that event, it will have been unfortunate for them that you had given them credit. If you refuse indulgence, confusion, disaffection, and oppression, will follow: if you grant it, the Government loses revenue. Gentlemen might choose their alternative. But it was certainly the province of an enlightened policy to prevent this dilemma, when it might be possible, by opportune interposition. This, he thought, was now practicable; but no one could say how long it would be so. And if by such interposition the Government should sell its lands for thirty-four cents per acre less, (the difference between cash payments under the two systems,) it will be more than compensated by certainly getting the whole amount of sales.

Mr. R. said that it was useless to talk to him of the security the Government possessed, by holding the title to the land. This security was only nominal. For, while by holding it with a heavy and ruinous debt impending over your land debtors, you keep them comparatively in a state of dependence and tenancy, you will, at the same time be unable or unwilling to evict them, and sell their houses to hungry speculators and strangers. But, if you should, it would be an event that might be deeply felt and long deplored.

The home of a freeman, said he, is dear to his heart; it is sacred; it is the centre of his affections and of his happiness; it is the sanctuary of his wife and children; it is consecrated by being his home, and often endeared to him by being the birthplace of his little ones. Will you venture, for a paltry consideration, to tear this from him, and thereby strike into wild and discordant commotion all those tender things? He felt, he said, that he was touching a delicate subject, on which it would be painful to dilate: he would therefore not pursue it, but content himself by having hinted at it, and barely opening the door to the view of some of the consequences that would attend the credit system.

Mr. R. said, that all his observation and experience taught him to believe that any permanent system of credit, national or individual, was pernicious. It was unnatural and seductive, and generally brought on those concerned in its operations, distress, and not unfrequently ruin. It was nationally a Pandora's box. What else, he asked, was the more fruitful source of the distress with which the people of the United States were now so much afflicted? And what else is the cause of the magnitude of the land debt, and its concomitant embarrassments? Would not the people now be in a better condition if it had never been indulged? And would not the Western country,

particularly, be more prosperous and independent if credit had never been given on the public lands? Would it not be, in relation to the General Government, out of debt?

But, in addition to the objections he had mentioned, he said there were many others to the land credit. It deceived and embarrassed the purchaser; it compelled him frequently to promise too high a price for his land; it tempted him to go beyond his means; it placed the occupant in the power of the non-resident speculator, and it subjected the purchasers, of every description, to the control of circumstances which they could not foresee or avert, to the caprice of fortune, and to the mercy of Government.

The purchaser, said he, if there were no credit, would not have to complain of the vitiated paper currency, nor to reproach the Government with refusing to receive of him such depreciated paper as he had been compelled, in his transactions, to receive; nor would the capitalist be able to unhouse the poor man, with his family, who had enhanced the value of the soil by improvements, and who, without his fault, had become unable to pay the whole price for it punctually; nor would the ears of Congress be assailed with reports of nefarious speculations, in fraud of the Government, and to the injury of the poor. Look, said he, to Alabama. What but credit was the cause of the exorbitant prices bid there for land, or of the great speculations that had been there made and attempted? Would not many who purchased there be unable to pay? Was not the magnitude of the debt alarming? He did not, he said, wish to pursue this part of the subject; he had no doubt he was sufficiently understood.

Mr. R. here observed that the objections to the credit system which had most influence with him, were of a character different from those which were merely financial or personal, and of infinitely more consequence in the view of wise policy and enlightened patriotism. They grew out of the moral and political tendencies of credit between the people and their Government. This was, he said, an embarrassing topic; but his duty would not excuse its pretermission. He could not avoid it. It lay across his way. He should, therefore, give his opinion in regard to it without disguise.

History, and a knowledge of the nature of republican government, proved, that the relation of creditor and debtor ought not to exist between the Government and the people. It begets obligations, and interests, and feelings, incompatible with the genius of free institutions. If the citizen must stand in that relation to his Government, it is best that he should be the creditor. If he stand in the attitude of debtor, his interest may not be the interest of the Government, and his feelings may not always be in accordance with his duty. But the objections to such a relation are greatly multiplied and strengthened when it is permitted to exist between the Government and entire community, or a large portion of the whole population. It is then that the Government may be compelled to feel its impotency and the supremacy of those passions which it was instituted to control. And

APRIL, 1820.

Sales of Public Lands.

H. OF R.

it is then that it may be in danger of degenerating into a government of men and not of laws; of passions, and not principles; of arbitrary force, and not enlightened public opinion.

He said, that it had been very seldom the policy of governments to encourage or permit this odious and dangerous relation permanently; and most of those that ever did, had left striking memorials of its impolicy. In Great Britain it exists to a great extent; and there, it is true, it is not deprecated by those who administer the Government, but is considered as the bulwark of the constitution. It fortifies the Government, by making it the interest of the opulent and the influential to maintain it. In this mercenary way public sentiment is stifled, and, instead of being endangered, the Government is almost impregably entrenched behind wealth and aristocracy. Therefore, in England, the public debt is considered a public blessing.

But, for the same reasons, he believed that, in free Governments, it would be considered the greatest curse. What would be the condition of England, if, instead of being the debtor, she was the creditor of her subjects? Who would then be the ministerial champions? Who would preserve the Government from revolution?

Mr. R. said that he did not mean to argue that the creation of a large land debt would eventuate in the disruption of our happy Confederacy, but its tendencies would be towards disunion. If, said he, in England, it is necessary to the existence of the Government that it should be deeply indebted to its subjects, he would submit it to serious consideration, whether, in the United States, the Union would be strengthened, or cemented, by permitting the citizens to be largely indebted to the Government.

If, in England, the indebtedness of the people to the Government would endanger its stability, would it be wise or safe to maintain the converse of the proposition here? He thought no argument could be derived from the peculiar character of the American institutions or people sufficiently strong to render it good, or even prudent policy here, to encourage or permit a large body of the community to become largely indebted to the Government. On the contrary, he believed that a practical or philosophic view of the peculiar texture of the American institutions, would show that such an experiment would be as perilous here as elsewhere. In this free country, said Mr. R., public opinion is the substratum of the political fabric, and the attachment and confidence of the people the cement which increases its strength and preserves its symmetry. Without the support of the first, the whole superstructure is prostrate; forfeit the last, and the fairest and most sacred temple of liberty on earth is in dilapidation. It is not indestructible. It depends more on moral than political principles.

The peculiar conformation of the Federal Government being "imperium in imperio," enhanced the value of public sentiment, and rendered it more necessary to the stability of Constitutional authority that popular confidence should be preserved, and the whole moral strength of the body politic

undivided on the side of the Union. The Union of the States, he said, was the first object of the Constitution. Nothing should be encouraged that weaken its ties. They are few and weak enough. Local feelings and sectional jealousies were already sufficiently strong and numerous. He feared it might be unsafe to increase them. It might do mischief; it could not possibly do good. He repeated, that he did not mean to insinuate that the Western debt, if augmented to even one hundred millions, would endanger the Union. He could not utter such a sentiment; but he did mean to say that such a debt would inevitably tend to inspire feelings, and generate interests, at war with the fundamental principles of union. He hoped that there would always be too much virtue and good sense in society to permit any circumstances to produce such an awful catastrophe as dissolution.

But he was an unsafe guardian of the Constitution who would do, or permit to be done, while he could prevent it, any thing that might provoke any attempt or even inclination, towards its destruction. Mr. R. said he felt devoted to Western interests, and had great confidence in Western virtues, moral and political; but, on a national question, which should be decided on national principles, he would be guilty of dereliction of duty if he were to act under the influence of local or sectional feelings. He was not so Godwinian in his opinion of human nature, nor so Utopian in his political principles, as to legislate on the supposed perfectibility of the one, or the practical infallibility of the other. Legislation should be adapted to men and things as they are, and every legislator should regard the passions as well as the virtues of human nature. Why was it, said he, that manners govern laws? Why was it that Solon, when asked whether his laws were as perfect as he could make them, replied, that they were as good as the people would bear?

Mr. R. said, that the people of the West were attached to the Government: he did not wish to see that attachment alienated. They were patriotic: he did not wish to have that patriotism chilled by a system of public policy which, he feared, if persisted in, might have that effect. Their feelings, said he, are with the Union: do not provoke indifference; do not excite their jealousies or their fears, but encourage their confidence, by deserving it. Then, indeed, they would always be found among the first in your councils and in your fields. Then you do not weaken, but strengthen the ligaments that bind the body politic, and you diffuse health and vigor through the system.

But, said he, how different may be its condition if, by continuing the credit system, Congress should compel the West, in self-defence, to oppose, in a body, the passage, or resist the execution of laws which it may be the interest and wish of the East to enact and to enforce; should give the East an engine with which they might annoy and oppress the West, and should distract and pervert the public councils, and array the East and the West against each other? Should this state of things ever occur, (and that it must, sooner or later, under the present system, if continued, seemed to him

as inevitable as the decrees of fate,) no man could shut his eyes to the consequences that must follow. He would not portray them; but the effect that would be produced on the feelings and policy of the West, and on the legislation of Congress, not to look to ulterior results, must be seen by all who were acquainted with human nature, or the history of the world. Would not the West be interested deeply in indulgence, while the other members of the Union might be inclined, or even necessitated, to coerce payment? Might not a Western party be created, (and it would be formidable,) with anti-national interests and feelings? Would not the people of the West expect and require indulgence? Might they not be willing, or compelled, to make sacrifices to obtain it? If opposed, might they not be exasperated? If defeated, might they not feel it their duty to resist? Might not indulgence become a prominent feature in Western policy? Might not members of Congress be elected solely with a view to the indulgence? Might they not be willing to make legislative compromises to attain the only end of their election? Would not the East have an ascendancy, almost irresistible, over the West? From such a humiliating and perilous predicament, Mr. R. said he would, while it was yet possible, rescue the Western country. The mammoth land debt, if permitted to grow, would be sufficiently calamitous if it should only lead to some of the consequences at which he had hinted. Such consequences it was the duty of every citizen to endeavor to avert.

He knew, he said, that he would be told, that the people of the United States were too virtuous and enlightened to permit a sectional debt, however large, to influence their political feelings or conduct. But he was not yet prepared to believe that human nature was so far sublimated in the United States, as to be exempt from the influence of interest, passion, or ambition. He said that, if any illustration were necessary to show the effect of a land debt on legislation, and local parties, an experiment had been made in Kentucky, which furnished a very apposite exemplification.

In that State there was a large body of the people indebted to the Government for lands purchased south of Green river, on credit. The debt has been due many years; but at every session of the Legislature indulgence had been granted since the debt became due. Members had been elected to the Legislature, with instructions to obtain a further indulgence. A promise to procure it, or the belief that they would make all necessary efforts, was generally a "*sine qua non*" to their election. The Green river country had become very strong, and its indulgence had become a sort of party question—a political hobby. It is believed that it has been frequently the subject of "legislative compromise," the consideration for other laws, and other laws the consideration for that. He believed that it was now considered almost a matter of course and of right. He had no doubt that it had frequently been granted against the free consent of the Legislature, and had been the means of passing laws that otherwise would not have been enacted. The State

had not got the debt in; he had doubts whether it ever would, the prospect being no better now than it was many years ago.

He said that he believed that the Green river indulgence had been sometimes necessary, and he did not know that it was not even yet proper; but he had alluded to it to show the effect of a land debt on revenue, on party elections, and on legislation. If, said he, such have been the fate and the effects of a Green river land debt in Kentucky, what must be the consequences in the United States of a Western debt? Are the citizens south and north of Green river less united in interest and feeling than the people west and east of the Alleghany mountains? Are the citizens of Kentucky less attached to their State constitution than the Western people are to the General Government? He said that the nature of the Confederacy would prove that a Federal land debt was infinitely more mischievous than any State debt, under any circumstances, on account of the magnitude of the debt, and the conflict of political interests, and feelings, and obligations, not merely in the West, but in the East, and the North, and the South.

He said that, if he should be compelled to select any portion of the population of the United States to defend the Union, in any emergency, he should look to the West.

He concurred fully with his colleague, (Mr. Brown,) that the people of the West were as much devoted to the general interests of the Union, and would make as many sacrifices to maintain them, as any other portion of the American population; and, if it would not be deemed invidious, he would say more. They have given many, and signal proofs of it. But this, he said, was no argument in favor of the credit system—a system that would, in its ultimate tendencies, conflict with those national feelings that now animated them—but, on the contrary, was a persuasive one against it. Having now the warm and cordial support of the West, it would not be wise to persist in a course of measures that must inevitably tend to stifle those moral impulses which prompted it. He would invigorate the arm, and distend the heart of Western patriotism; and not paralyze the one and contract the other; or nerve the one and steel the other against the common interests. He would repeat that he did not believe that, if the land debt should increase to any amount, the Western people would resist, by force, its collection, or desire the subversion of the Government to avoid its payment. But he asked if it could be prudent, in a government depending for its existence and support on public opinion, to make it the interest of the people to embarrass its regular operations, or resist its laws? And, said he, might not a large debt, hanging over one moiety of the nation, create, throughout the whole, interests, and feelings, and conduct, not calculated to advance the happiness of the people, or strengthen Constitutional authority?

Every Government that ever had to encounter a large popular debt, had felt it to be a potent and unwieldy adversary. Why did Lycurgus and

APRIL, 1820.

Sales of Public Lands.

H. OF R.

Solon abolish all debts, in the organization of their systems of government? Why did the Roman plebeians, after being oppressed by their patrician creditors, raise the standard of revolt, and retreat to Mons Sacer? And why did the patricians ultimately submit? And what were the progress and effects of the long struggle? If, said he, the land debt be permitted to accumulate, and its enforcement be attempted, the West may not resist; they may not murmur; they may not evince sensation; but the debt might not be collected; and he did not wish to see the experiment made. There was no necessity to make any experiment on the temper of the West. They would never willingly "give up the ship;" they would never secede, unless provoked by those who ought to be their friends. And, if they ever should retreat to the sacred mountain, he hoped there would be at least one Menenius and one Valerius among them, who would be able to rally them again under the standard of the Union.

But it could not be the interest of the United States to persist in a system which could produce any consequences which it was the duty of every enlightened and patriotic statesman to prevent; a system that would engender discord and party feuds, and excite jealousies and discontents, and perhaps insubordination.

Every consideration which could operate on his mind, he said, strengthened his conviction that the credit system could not be executed, or, if executed, that it would do much mischief. In its execution, it would defeat some of the ends for which it was established; and he thought it required no argument to show, that a system whose operations were incompatible with its designs, and subversive of the first purposes for which government was instituted, and which counteracts the policy of wise legislation, ought to be abolished. That the credit system was such an one, he had endeavored to show. It ought, therefore, he thought, to be repealed, if one less exceptionable could be substituted. He thought that the bill under consideration furnished such an one. It remained, therefore, for him to offer some reasons to show that the mode proposed was better than that in operation.

Mr. R. said that, if he had been successful in his attempt to prove that the credit system was defective because it was a credit system, it would be unnecessary to consume time by an effort to show that the cash system was preferable, so far, because it was a cash system. As the strongest general considerations which, in his opinion, conduced to show the superiority of the cash over the credit system had already been anticipated in his endeavor to exhibit some of the objections to credit in the foregoing part of his argument, he would not reiterate them. If he had shown the defectiveness of credit, it would necessarily follow that the proposed system was, *quo ad hoc*, preferable.

Upon that ground he was willing to rest the comparative merits of the two systems, so far as it might depend on the two leading and characteristic features of credit and cash. These were so important and controlling, that a comparison of the

more minute traits was unnecessary; because, whatever might be its results, they could have no influence in the decision. But, if such a comparison could be at all material, he was sure it would result in showing the superiority of the existing system in every feature in which they differed.

The principal of these, in addition to the credit and cash, were the minimum quantity of land and of price. The reduction of each in the bill under consideration, was intended to remove the objections that had been urged to the substitution of cash for credit. And in this it was singularly and completely successful.

He thought it was fair to conclude that the bill ought to pass. That it ought there could be no doubt, unless objections could be urged to it more formidable than those to which the existing law was liable, or arguments against it stronger than those which were pressed against the latter.

He said he had heard only two objections to the proposed system. First, that it would oppress the poor man, by giving the capitalist and speculator an unreasonable and unjust advantage over him. Second, that it would retard the population, and diminish the influence of the Western country. He believed no other objections that were even plausible had been or could be made; and these he considered by no means formidable. He thought that a very slight examination would be sufficient to show that they were both evanescent. He expected results from the cash system, in its operation on the poor, the rich, and the Western country, the opposite of those apprehended by its opposers, which he would endeavor briefly to exhibit, in the course of the notice he should take of the objections.

But it should not, said Mr. R., escape notice that, if the objections are in themselves true, they constitute no sufficient argument to prevent the passage of the bill. For, if the interest of the Government and of the body of the people require its passage, it would be unreasonable to demand or permit its rejection, merely because a particular class of the community, or district of country, might be injured by it. Otherwise, all legislation would not only be nugatory, but unjust; because every general law, however much it may promote the interests of the majority, must be incompatible with some individual rights or interests in society. Therefore the political axiom, that private interests should be sacrificed on the altar of the public good, would be a sufficient answer to the objections, if they were founded on correct hypotheses.

But, he said, if it were material to take more particular notice of the objections, he thought it was nearly demonstrable as any moral or political proposition from its nature could be, that the cash system would not only diminish and embarrass speculation, but promote the interests of the poor, and the permanent and substantial welfare of the Western country.

He believed that no other system would tend more to those results, unless it should be one by which the public lands should be gratuitously distributed. And for such a one he was unwilling to believe that there would be any serious advocates.

If there were any such he would recommend to them the immediate abrogation of the credit system, and the substitution of an agrarian law. But, said he, the public land being a common fund, and Congress being its depository, it is their duty to dispose of it in such a manner as to promote the common interest. They are bound by their trust to sell it, and to those who can pay for it. And he thought it could not be matter of complaint that Congress, and not any particular class of private individuals, should prescribe the terms of sale, and that such terms should be offered as would produce the most general good. Neither the poor nor the rich have any right to complain, if credit should be refused. If they are unwilling to purchase the public lands on the terms proposed, they will retain their money, and the public its land, and no injury is done to either.

By the poor, he said, he understood, as regards the argument, not that class of society who are in a state of pauperism, but those who are comparatively in a state of mediocrity, and are unable to purchase land for any other purpose than to occupy it. Under the credit system, a man who has no money cannot purchase; to be able to buy public land, he must have funds, and as much as will be required by the cash system. Gentlemen, he said, had argued against the bill as if they believed that, under the credit system, a poor man without money could purchase a home, and that, therefore, he will be excluded from all participation in purchases of public lands. But he is already excluded. Who can purchase now that may not buy, and as easily, under the cash system? Who will be excluded? Not the man without money; he cannot purchase now. Not the man who is now barely able to pay the first instalment for one hundred and sixty acres, at the minimum price; for he would proceed to show that the same individual might purchase with more certainty and more to his advantage, under the proposed system.

Under the existing law, a man cannot purchase for himself a home, even if there were no competition, unless he is able to advance eighty dollars; and, if he be a prudent man, he will not purchase at all, if that eighty be the whole amount of his pecuniary resources; for, before he can procure a title, he must pay two hundred and forty dollars more, in three instalments, or forfeit his land, with his eighty dollars advanced, if he should be unable to make punctual payment of the whole price. If the credit should tempt him to make the purchase, under the expectation of making money to discharge the debt he incurs, or of indulgence if he should fail, he subjects himself to loss and embarrassment that may result from accident, or from the fluctuation and depreciation of the currency, and places himself in the power of the usurer, the speculator, and the Government. The land would not be his, and he could not be considered an independent citizen, in the sterling import of those words. The little pittance he may, by industry and economy, be able to save, he cannot consider his own until he shall have paid for his land; the land is not his until he can get his patent; he may be dependent on the capitalist for money to procure the title and

save his home from forfeiture, or must supplicate the indulgence of Congress; and, at last, after having removed his family many hundred miles, and improved land which he considered his own, either the hungry speculator may take it from him, or the humanity of the Government must interpose. And, if he should die before he shall have made complete payment, he leaves his helpless family in a strange and foreign land, without a home.

But the credit induces speculators, as well as others, to bid a higher price at the sales than would be given in cash, and frequently more than the value of the land; hence, the poor man, with his eighty dollars, is almost entirely excluded from the sales. He is afraid, or unable, to compete with the rich man, or with the speculator. The consequence is, that the rich and adventurous monopolize the best land, and leave only the refuse to the other class.

The speculator buys as much land as he can make the first payment for, under the expectation of being able, before the expiration of five years, to sell it for a higher price. He has, by law, five years, within which to make this experiment, and as much longer as he can prevail on Congress to indulge him; hence, it so often happens that the first is the last payment, and that indulgence becomes so necessary and so frequent, and that the land revenue fails. If the purchaser for speculation can, while the Government will indulge him, sell the land to the man who wants a home, but who was not able to bid against him at the public sale, at a higher price than he promised, by giving long credit, he transfers his certificate, and interposes the poor man between himself and the Government, with liability to pay the remaining instalments, with all the accumulation of interest, and with all other liabilities incident to the credit. If he cannot sell for more than he promised to give, he repeats his application to Congress for indulgence, and they continue to grant it. But, if it should be refused, and the land forfeited, the adventurer will only have lost the amount of the first payment which he had advanced.

What better terms can the speculator, said he, desire? What can more encourage speculation, or oppress the poor and honest man, than the credit system? It increases the facilities and inducements to speculation; it increases the means and number of speculators. This is observed every day. Alabama speaks a language that cannot be misunderstood.

But, Mr. R. said, the cash system now offered is better for the honest purchaser, not only because it enables him to get land with more certainty and with more security, and better land, but because it would put it in his power to get it cheaper, for two reasons—1st. The minimum price is less; and, 2d, land will sell on credit for a price higher than the cash value, by more than the interest of that value.

Under the proposed system a man can purchase eighty acres of land if he can pay one hundred dollars: he gets his patent, and has a home. He is an independent citizen, not in the power of the capitalist or the Government, in regard to his title.

APRIL, 1820.

Sales of Public Lands.

H. OF R.

Even if credit would not enhance the price, it is, nevertheless, a fact worthy of notice, that, under the cash system, a purchaser can buy a home for only one-fifth more than the fourth of the credit price, which fourth must be advanced. It is true that he will only get half the quantity, but he does not give half the price; and the smallness of the tract is no objection, but a strong argument in favor of the proposed system, as it regards the poor. For thereby a man will be enabled to procure a home who could not, or ought not, to attempt it now; and those who can purchase more than the minimum quantity will have the liberty to do so.

But, the best land is sold at the public sales to the highest bidder, and the credit will cause it to sell for a higher price than it would for cash by at least one-fifth. This is the difference between the price of eighty acres purchased under the cash system, and the fourth of the price of one hundred and sixty on credit. The consequence is, that a man will be able, under the proposed system, to buy eighty acres at public sale for the amount of only one-fourth of the price of one hundred and sixty on credit. In the one case the purchaser has parted with a certain sum of money, and obtained in exchange a title to eighty acres of land; in the other, he has disbursed the same sum, as only one-fourth of the price of one hundred and sixty acres, to which he has no title, and for which he cannot obtain a patent until he shall have paid the remaining three-fourths. Which would the poor, the honest, the free man prefer? Could there be any hesitancy in the option? Would he not choose the cash system? And would not the speculator, for the same reasons, prefer the credit system?

But, said Mr. R., it has been urged by the gentleman from Tennessee, (Mr. JONES,) that, by requiring cash, too much power is given to money; that the capitalist will buy all the good land, because the poor man will be unable to bid against him beyond the small sum he may have. This argument, he said, was more plausible than sound, and had been already anticipated and answered. But the imposing manner in which it had been exhibited entitled it to a direct reply.

Money, said he, will have power as long as it is money. It is that which gives it value. Its power cannot be destroyed without destroying its value. But he felt sure that its influence in relation to the public land, and its purchasers, will not be augmented, but greatly diminished, by the passage of the bill under consideration, by the reduction which it would effect in the number of speculators, and the extent of their purchases. The credit increases the number of speculators, and the extent of their purchases, in a ratio of at least three to one, and reduces, in a correspondent ratio, the number of other purchasers, and the extent of their purchases. Under the credit system, a speculator, with fifty thousand dollars, will, at the minimum price, purchase one hundred thousand acres of land, the amount of his money being sufficient to complete the first instalment on that quantity. Under the cash system, he will be able to purchase only forty thousand acres. The same

quantity of money, then, will purchase almost three times as much land under the credit, as it will under the cash system. The advantages of credit to purposes of speculation will give the same sum the power to purchase the full triple quantity. To purchase one hundred thousand acres under the cash system, there will be required five men with \$25,000 each; under the credit system it will be purchased by two men with the same sum. If credit did not increase the price, then two speculators can monopolize as much land under the credit system as five men can under the cash system; and the same quantity of money in circulation would, therefore, increase the number of speculators, and the extent of their purchases, in the proportion of five to two, by allowing credit; and, as before stated, the effect of credit would swell the number to the proportion of three to one. Can any one, said he, fail to perceive the effect which credit has in increasing the number and power of speculators, and, thereby, the power of their money? Will not the poor man have a greater number of competitors? Will there not be less land left for him to purchase? And will not his chances of buying good land be diminished? And would not the number of purchasers for use be greatly diminished, and, thereby, the population of the West be retarded? Under the credit system, the capitalists can monopolize, with the same sum, more land than they could for cash, in the proportion of a hundred to forty. The capital, then, which would purchase 100,000 acres on credit, would, on cash payment, leave 60,000 acres unappropriated, which the settlers could purchase without competition with the non-resident moneyed men. As to that part of the argument which assumes that, in a contest for a particular tract of land, an advantage is given to the rich over the poor man by requiring cash, he said that the same objection would apply with equal force to credit. For, if the poor man could not compete with the rich man, after he had gone in his bid to the extent of his funds, when the whole amount is to be advanced, he must be in the same predicament if only one-fourth of the amount be required. In the latter case, after he had been forced up by the capitalist to as much as he could pay the first instalment of, he could bid no higher. But the objection, he said, would have much more force in it if urged against the credit system; because, by requiring cash, the number of speculators is reduced, and most of their schemes and contrivances baffled.

If any further illustration on this subject were necessary, he said that the gentleman who made the objection had himself furnished a very striking one. That gentleman had said, that, if the cash system should be adopted, the United States would never collect the debt due for land which had been sold, because that system would depreciate the value of the land for which the debt was contracted.

This argument, said he, is a "*felo de se*;" it cuts its own throat. For why will the cash system tend to depreciate the land sold under the credit system? It is because it gives more advantages to the purchaser; because it is a better system for

the purchaser. This is the reason, and the only one. It does give more advantages to the purchaser; not the speculator, but the man who may desire to buy for his own use; it gives him more good land to make his choice in, at a less price, with less competition, with more certainty, and less embarrassment.

Mr. R. said that every view he could take of the subject helped to show that the objection to the cash system, which was founded on the assertion that it will not be so advantageous to the poor man, is indefensible, and that the system was strongly recommended by the advantages it secured to all classes of purchasers, except the speculators. These could not entirely be put down; to frustrate them is only a secondary object. But, if it were a primary one, a more effectual method than the cash system could not well be devised.

The only remaining topic, he said, was the effect that the cash system would produce in the Western country. He repeated, that its effect on the substantial interest of the West, would be beneficial. But, if it should be detrimental, by checking population, he could not, for that cause alone, vote against it. The effect could not change his opinion of duty, but would only tend to diminish his solicitude for the passage of the bill. He did not come here to legislate for any particular section of country, or portion of people of the Union, but for the whole. The laws which his vote might contribute to pass, would operate on all, and, therefore, it was but right that the wishes and interests of all should be consulted. As a citizen, he might delight to obey the dictates of his local feelings or personal wishes, but, as a legislator, he was bound to submit his conduct to the guidance of other and higher considerations.

But, he said, that, if he were at liberty to act on selfish principles to promote local interests, it would be his first and paramount duty to look to his own State, and to confine his views within her periphery. For, if he represented, exclusively, any local interest, it was that of Kentucky. And, if such, he said, were his condition, and such his duty, and it were true that the cash law would check population, he would not hesitate to support the bill: he would hail its passage with acclamations of joy. For, what would more promote the prosperity of Kentucky, than a system which would stop that efflux of money and of population, which had already so much exhausted her, and which was the effect of the system in operation? In so far as the cash system would diminish migration and sales, it would tend to diminish the drain of people and of money from Kentucky. But, he said, he was sure that the law would not have any deleterious operation on Western interests, by checking any population or preventing any sales that would redound to the advantage of the West. If his only object were the aggrandizement of the West, he would vote for it. He believed that nothing which Congress could do by legislation would more certainly promote the prosperity and independence of the West.

The member from Tennessee, (Mr. JONES,) had expressed astonishment that the Western members

should differ in their opinion on this subject. He said, he felt as much surprise at it as the gentleman could feel. He could not perceive how the apprehension could be entertained by a Western man, that the cash system would injure the Western country. He was as much devoted to Western interests as any of its Representatives. He claimed it as his duty to be so. He had been charged, obliquely, since it was known that he was in favor of the cash system, with anti-Western feelings and policy. He was as sensitive on this subject as on any other; and he would not say he was imperturbable, but he would say that such charges or insinuations fulminated from the press or the stump could not alter his opinion.

He was not to be driven from his purpose, or deterred from doing his duty by denunciation, or a threat of defection of friends. He said he respected, as much as any Representative should do, the deliberate and temperate voice of public sentiment. But, he believed that public sentiment, in Kentucky, was decidedly in favor of the cash system. However, he must say, that the only way to change his vote was to change his opinion.

Did his colleagues, he asked, suppose that they gave evidence of more attachment to the West by their votes, than he felt? He hoped they would do him the justice to believe that he was as much devoted to the West as any of its citizens. Why should he not be? He had as great a stake beyond the mountains as any other man, and he was bound to the West by as many and as tender ties. Was it not the country of his birth—the home of “wife, children, and friends?” Did it not embosom all that he held most dear? And did it not contain the sacred spot in which the relics of his father reposed? He could yield to none in devotion to its soil and its interests. He loved it not only instinctively, because it was his birthplace and his home, but rationally, because it was the fairest portion of the globe. Its soil is luxuriant, its climate salubrious, its population is virtuous and hospitable, its men are brave, and its women chaste. Bound to him by such ties, and thus deserving his affection, he would never desert its cause. As long as he should continue in its service, he would be faithful to its interests—he would advocate and promote them, and he believed he was doing it by supporting the cash bill; for he believed that the West never would attain the high destinies before it, if the system of credit, which had already so much embarrassed and enfeebled it, should be continued. Why is it, said he, that that country is now so much in debt? Why is the balance of trade so much against it? Why its currency so much devalued and depreciated? Why such a languor pervading that rich and resourceful country?

He knew that these were the effects of more causes than one; the general system of credit was one; but he had no doubt that one of the most prolific sources of the calamities with which the West is afflicted, is the credit on the public lands. This had tempted men to go beyond their means, and contract debts which they could not pay; it had depreciated the Western paper currency, and had tended to augment and vitiate that currency.

APRIL, 1820.

Sales of Public Lands.

H. OF R.

Could any one fail to see its operation in producing these effects? He would ask his colleagues whether the Western country would not now be in a better condition, if there never had been any credit given in the sale of the public lands? Would it not be more independent, and have more and better money? Would it not owe \$22,000,000 less? He said that that country never could be restored to its naturally healthy and prosperous state, as long as such an immense debt is suspended over it. It lies on it like an incubus; it paralyzed its best fiscal and moral energies. Was it not desirable to extricate it from this condition? Was it not the duty of its friends to make the effort? He said that he did not know any thing which Congress could do, that would tend more to this result, than the adoption of the cash system. That will prevent the accumulation of the debt, and tend to correct and restore the Western currency. If it should be adopted, those who might migrate from the East, and transplant themselves in the West, would buy only as much land as they could pay for; the purchase money they would carry with them from the East, and all they make on the land for four years would add to the resources, and swell the currency of the West, by being distributed among the people. But, if this system be rejected, then the Eastern emigrants will only make the first payment with their Eastern funds; they will generally purchase as much land as they can make the first payment for; the remaining three-fourths, for which they get credit, must be made in the West, and, when paid, abstracted from its resources. Is there not a great difference between adding the three-fourths to the funds of the West, and abstracting them from them? Will not the credit, then, always oppress the West, render good money scarce, and increase the amount of bad money? Under the credit system, not only is an immense sum annually withdrawn from the West, which, under the cash system, would be retained, but that sum consists of the specie or best paper of the West. The withdrawal of this makes a vacuum, which must be filled by an augmentation of bank paper. This augmentation depreciates and vitiates the currency; this currency the public debtor must take, but the Government will not receive it from him. In addition to those considerations, he said, it should be recollected, that the same quantity of land which would draw from the West \$800,000, under the credit, would only take \$500,000, under the cash system. Was he not justified in saying that the substitution of the cash system would meliorate the condition of the West? It would enable it to owe less, have fewer banks, and more money.

He said, there was another aspect of the subject entitled to the serious consideration of the real friends of the West. It was the influence which the credit system would give the East over the West. Some of the causes of this influence had been sufficiently explained in considering the other topics of discussion. He hoped gentlemen would recollect them, and make the proper application of them.

He would only add, that a large Western debt would give the Eastern politicians, in a struggle

for power, a powerful weapon. It would render it impossible that the West could have a fair and equal contest. It would be the talisman, whose spell, in the hands of dextrous men, might be subjugation or dissolution. Such men would not only have the advantage derived from the debility, languor, and distress, which a large debt would produce in the West, but they could hold the appalling sum in terror over the devoted West, and say pay or submit. Then, said he, might you see enforced the maxim, "*Parcere subjectis, debellare superbos.*" He said he hoped that these consequences would never be realized; but, as a Western man, he was anxious to render their occurrence impossible, and to rescue the West from danger before it might be too late. He said, if he were an Eastern man, and desired supremacy over the West, and labored under such a destitution of principle as to resort to legislative power to effect it, he knew nothing which he would so strongly advocate as the continuance of the credit system. He would make the debt as large as possible. To counteract such policy, he desired the cash bill to pass; and, in advocating it, he felt sure he was vindicating the best interests of the West. He said, let the Western people get out of debt, and leave their posterity free, and then they would have power, and wealth, and independence. Nature had decreed it. They will then preserve their influence, their rank, and their public spirit; they will then move and act in the majesty of their native and characteristic independence; they will be a great, a powerful, and a happy people.

Gentlemen need not fear the march of Western power or of population would be retarded by the cash system. If the view he had taken of the whole subject was correct, the effects of the system would be very different. He could not see how the system would impair the power or diminish the population of the West. Would it impair the strength of the West to get it out of debt, and add to its resources? Or would it diminish or obstruct the current of emigration to the West to offer to the emigrants terms of purchase more advantageous to them and to the country to which they wish to go, than those now offered? Or would it check population to prevent the monopoly of large tracts of good land by speculators, who would not settle on them? He said that, if the cash system would prevent the emigration of any class of citizens to the West, (which he did not believe,) it would be a class that would not be a very valuable accession to the strength, the morals, or wealth of the West; but who would only increase the Western debt, and diminish the real and substantial resources of the Western country.

He said, that the Western country would populate soon enough; men would go there whenever it should be their interest to go. It was not good policy to invite or decoy them there sooner. Let the principle of population and the rules that regulate and control it have their natural operation. Do not endeavor to increase its fecundity or accelerate its results by artificial expedients. It was not desirable to have a mushroom population. Let it grow gradually and naturally, and it will

H. OF R.

District of Columbia—Tariff Bill.

APRIL, 1820.

be homogeneous, and happy, and strong. Let the body politic work its own cure, if diseased. There is a recuperative spirit in it, *vis medicatrix nature*, that will preserve its health and vigor. He did not profess to know much of political pathology, but he thought there could be no doubt that the resources and ultimate power of the West were certain, if its friends would forbear their prescriptions and let things regulate themselves.

Let the population of the West grow on its own natural resources, without the artificial and delusory aid of credit. The surest way to increase an efficient population, which alone will strengthen the resources and power of the West, is to expel luxury and speculation, by stifling their pander, credit, and encourage industry, virtue, and economy. The first step towards this policy is to extricate the West from debt, with all its paraphernalia; to confine its expenditures within its actual means, and make its citizens independent cultivators of the soil, and not the tenants of the speculator or the Government. The cash system, so far as it could operate, would tend to these wholesome results, by distributing the lands in small tracts among the people for their own use, and by frustrating speculation, and preventing monopolies. He expected much good from it; he feared no mischief. He could not perceive any solid objection to it. He hoped, therefore, that it would be adopted.

He had, in a crude and unmethodical manner, he said, offered some of the considerations which would influence his vote. He had endeavored to show that the cash system was required by the fiscal and political interests of the General Government, by the advantages it would afford to the bona fide purchaser, and by the substantial and permanent welfare of the Western country. Whether he had been successful, would appear from the decision of the Committee. Whatever that decision should be, he would be content. He had discharged his duty to himself and his country. If he had erred, he should be supported by the approbation of his conscience, and the clearest convictions of public duty; and he believed he would be sustained by the opinions of his fellow-citizens, and the verdict of posterity. If the bill should pass, he hoped that his friends, who differed with him on this interesting subject, and especially the Speaker, (who would follow him in debate,) might live long enough to witness and to enjoy the benefits which he believed would result from it, not only to the Union and to the poor and actual settler, but to the great interests of the West—to its strength, prosperity, and power, and to the independence and happiness of its people.

When Mr. ROBERTSON concluded, the Committee rose, and the House adjourned.

WEDNESDAY, April 19.

Mr. NEWTON, from the Committee of Commerce, to which was referred the bill from the Senate, entitled "An act to establish the district of Pearl River," reported the same, without amendment, and it was committed to a Committee of the Whole to-morrow.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: "An act for the relief of the legal representatives of Gabriel Berzat, deceased;" "An act for the relief of the heirs of Edmund McCarthy;" "An act for the relief of Thomas Hunter;" "An act declaring the consent of Congress to certain acts of the Legislature of the State of North Carolina;" "An act for the relief of Ebenezer Stevens and Austin L. Sands, legal representatives of Richardson Sands, deceased, and others;" and "An act authorizing the settlement of the accounts between the United States and Richard O'Brien, late American Consul at Algiers;"—in which bills they ask the concurrence of this House.

The said bills were read twice, and referred—the first to the Committee on Private Land Claims, the second to the Committee of Claims, the third to the Committee on Military Affairs, the fourth to the Committee of Commerce, the fifth to the Committee on Pensions and Revolutionary Claims, and the sixth to the Committee on Foreign Affairs.

DISTRICT OF COLUMBIA.

Mr. SERGEANT, from the Committee on the Judiciary, to whom the subject had been referred, reported a bill to enable the inhabitants of the District of Columbia to form a frame of government; which was read twice, and committed to a Committee of the Whole to-morrow. The bill is as follows:

Be it enacted, &c., That the inhabitants of the District of Columbia be, and they hereby are, authorized to hold a convention, to determine whether it will be for their benefit to have the rights of self-government extended to them, so far as the same may constitutionally be done; and, if they shall be of such opinion, to form a frame of government, to be submitted to Congress for their approbation.

SEC. 2. *And be it further enacted,* That the said convention shall be composed of twelve representatives for the City of Washington, and that part of the county of Washington east of Rock Creek; of eight representatives for the town of Georgetown, and that part of the county west of Rock Creek; and of nine representatives from the town and county of Alexandria. The said representatives to be free white taxable males, inhabitants of said District, above the age of twenty-one years, who shall be chosen by ballot by the free white taxable males, inhabitants of said District, above the age of twenty-one years, on the — day of — next, under the superintendence of such judges, at such place in each of the said towns, and subject to such other directions, as the President of the United States may prescribe.

SEC. 3. *And be it further enacted,* That the persons so chosen shall convene in the City of Washington, at such place as shall be fixed by the President of the United States, on the — day of —, and shall organize themselves by the appointment of a presiding officer, and such other officers as may be necessary. A majority of the members shall constitute a quorum, and their proceedings shall be communicated to the President of the United States, to be by him laid before Congress at their next session.

TARIFF BILL.

Mr. JONES, of Virginia, submitted the following resolution for consideration:

APRIL, 1820.

Public Lands.

H. OF R.

Resolved, That the Secretary of the Treasury be requested to communicate to this House his opinion respecting the probable effects which will be produced upon the Revenue, should the bill to regulate the duties on imports, and for other purposes, now pending before this House, be enacted into a law.

This motion, and the proceedings on it, gave rise to a considerable debate.

Mr. BRUSH moved an amendment, (but subsequently withdrawn,) to instruct the Secretary of the Treasury to report to this House when, in his opinion, Congress might be able to terminate the present session.

In the discussion of this motion, some warmth was displayed. In the end—

Mr. WILLIAMS, of North Carolina, moved to lay the resolution on the table; and the motion was agreed to—yeas 71, nays 67, as follows:

YEAS—Messrs. Abbot, Adams, Allen of New York, Baker, Bateman, Boden, Campbell, Case, Clark, Crafts, Crawford, Cushman, Dennison, Dewitt, Edwards of Connecticut, Edwards of Pennsylvania, Fay, Floyd, Folger, Gross of New York, Hackley, Hall of New York, Hall of Delaware, Hazard, Hemphill, Hendricks, Hibshman, Hill, Kendall, Kinsey, Kinsley, Linn, McLean of Kentucky, Marchand, Mason, Meigs, R. Moore, S. Moore, Morton, Parker of Massachusetts, Patterson, Phelps, Pitcher, Plumer, Rich, Richards, Richmond, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Smith of New Jersey, Smith of North Carolina, Storrs, Street, Strong of Vermont, Strong of New York, Taylor, Tomlinson, Tompkins, Van Rensselaer, Walker, Wallace, Wendover, Williams of North Carolina, Wood.

NAYS—Messrs. Alexander, Anderson, Baldwin, Ball, Barbour, Bayly, Bloomfield, Brush, Bryan, Buffum, Burwell, Butler of New Hampshire, Butler of Louisiana, Cannon, Clagett, Cobb, Cocke, Cook, Crowell, Culbreth, Culpeper, Cuthbert, Dickinson, Earle, Edwards of N. Carolina, Foot, Fuller, Fullerton, Garnett, Gross of Pennsylvania, Hall of North Carolina, Hardin, Holmes, Hooks, Hostetter, Jones of Virginia, Jones of Tennessee, Little, Livermore, Lyman, McCoy, McCreary, Mallery, Meech, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Virginia, Philson, Pindall, Rankin, Reed, Rhea, Ringgold, Settle, Silsbee, Sloan, Scolumb, B. Smith of Virginia, Stevens, Swearingen, Tracy, Tucker of South Carolina, Tyler, Whitman, and Williams of Virginia.

PUBLIC LANDS.

The House then took up the bill making further provision for the sale of the public lands.

In the further debate which took place on this bill, the main object of the bill (to reduce the price of the public lands from the present price to one dollar and twenty-five cents per acre, and to abolish credits thereon) was supported and opposed by the following gentlemen: *Affirmative*—Messrs. ANDERSON, BARBOUR, HARDIN, SLOAN, and STORRS. *Negative*—Messrs. CLAY, BROWN, BUTLER of Louisiana, COOK, HENDRICKS, JONES of Tennessee, and McLEAN of Kentucky.

Some other gentlemen incidentally engaged in the discussion on amendments, &c.

Mr. SLOAN, of Ohio, spoke as follows—

Mr. Chairman: It is with extreme reluctance that I rise to address you on the present occasion. Unaccustomed to public speaking, I am well aware

that I shall fail to express myself in such manner as the importance of the subject requires. Indeed; sir, nothing but the circumstance of my representing a district, in a high degree interested in the decision of the question now under discussion, could have induced me to make the attempt. Sir, I have been a witness of the operations of this credit system, as it is called, ever since the commencement of its existence, and I must be permitted to say, that the evils arising under it have been greatly overrated, and that the results anticipated from its continuance, are not such as are reasonably to be apprehended. On this subject there is, unquestionably, a very great misapprehension. Sir, there is no danger of a dissolution of this Union from allowing the Western people to purchase your lands on credit; I trust I know that people too well to give in to such an opinion. Twenty years' residence among them has convinced me that all such fears may safely be discarded. Nor is the debt, now owing, of such an enormous amount as has been supposed by some gentlemen who have spoken on the subject. They appear to consider the laws which have been passed, from time to time, granting indulgence to purchasers, as applying to the whole debt contracted. This is, indeed, a very great error. The honorable Speaker has calculated that the whole debt owing in the triangle northwest of the Ohio, composed of the States of Ohio, Indiana, and Illinois, and the Territory of Michigan, which will be affected by the law of the present session, will not, perhaps, exceed three hundred thousand dollars. This, calculation, I think, is very likely a correct one, notwithstanding it has been considered as vastly too low by gentlemen who have replied to the Speaker's arguments.

Sir, I have paid some attention to this subject, and, although it is impossible to come at the exact sum, yet I am convinced that the amount is much less than has been supposed—a sum entirely too trifling to excite the alarm which appears to prevail in the case. The whole amount owing, for land purchased in the tract of country to which I have alluded, is something more than seven millions eight hundred thousand dollars—a sum little more than that received from the same district for each of the last four years. But, in order to judge more correctly on this subject, let us examine the forfeitures of the year 1817, one in which no indulgence was given, and we will find that the amount of forfeitures of that year was twenty-seven thousand dollars. From my knowledge on this subject, I know that but a small quantity of the land is sold when exposed to sale for non-payment, but that it reverts to the United States, and is stated in the amount of forfeitures. But suppose that one half of it, in that year, was sold, and the amount not paid for to be \$60,000, and even suppose the average of the three last years at double that amount, it would only be \$360,000; whilst gentlemen have been treating this question as if they had been from year to year granting indulgence for several millions of dollars, and as though the several laws which have been passed have applied to the same purchasers; when, in fact, all the land purchased prior to the year 1813, has ei-

ther been paid off or reverted to the United States, and much of that which has been prevented from forfeiture by the laws of 1818 and 1819, has also been paid off, and is daily paying off.

So much, sir, for this vast debt, and the dangers which are apprehended from its accumulation. So much has been said on the subject of the laws granting indulgence, that I will beg leave to examine, very briefly, the history of the present system, and the causes which led to the passage of those laws, and see whether the same objection might not with equal propriety apply to almost every part of our financial system. The law laying the foundation of the present system of disposing of the public lands, was passed in 1800, and, for a considerable time, no lands, except those in the State of Ohio, were brought into market. At this time the currency was sound; we were not then annoyed by banks in every part of the country; every kind of money was then current, and received in payment; commerce was then brisk, and payments were regularly made. This state of things continued without interruption until 1808, when the embargo took place; which prostrated trade, stopped nearly every kind of business, and produced general embarrassment; to this, in 1809, was added the non-intercourse, which continued with little interruption until the declaration of war in 1812. Sensible of the influence of this state of things on those who were indebted to the public, Congress, in 1808, passed a law, extending a credit on a certain description of revenue bonds, and the next year it was extended during the continuance of the embargo.

Having granted this favor to the mercantile class of our citizens, I presume it was considered nothing but fair to extend equal indulgence to the purchasers of public lands, inasmuch as this general embarrassment grew out of measures which the Government considered that the interest and honor of the nation required to be pursued. Accordingly in March, 1809, a law was passed, giving longer time to the purchasers of public lands to complete their payments.

In 1810 a law of a like nature was passed; but, in 1811, no such law passed, and all the lands, the payments for which were due in that year, were either sold or reverted to the United States. In 1812 and 1813, laws similar to those before enacted were passed, with this exception, that those who had availed themselves of former laws, should not be embraced in them. The same provisions were made in the laws which passed in 1814 and 1815. In April, 1815, a law was passed in favor of the purchasers in the Mississippi Territory, but no law was passed in favor of purchasers northwest of the Ohio until 1818; consequently all the lands on which the payments became due in 1816 and 1817 were forfeited. Since which time laws have yearly been passed, applying equally to all parts of the country.

From this view of the subject, it will be perceived that the debt now owing is not of that long standing which some gentlemen have supposed, and that the failure to pay has not arisen out of any disposition, on the part of the purchasers, to rely on the indulgence of the Government, but has

been in consequence of the situation of the country, produced by the measures of the Government. It cannot have escaped your recollection that, during the war, and immediately after its termination, the Government experienced very great embarrassment in its fiscal operations; that the credit of the Government was much reduced, and Treasury notes were at a great discount. In this state of things, and with a view to remedy the evil, the Treasury Department submitted propositions to all the banks in the Union, as well those which had received charters of incorporation from the State governments, as those established without authority. These propositions offered to the banks that, in case they would agree to receive and re-issue Treasury notes, the Government would receive their notes in payment for all debts due to the public. Thus it was, that a credit was given to all the banks of the Union, almost equal to a charter granted by this Government. In this state of things many persons became the purchasers of public lands, not doubting but that the notes of State banks would continue to be received in payment. The banking business was not understood by the people at large, and but few persons could anticipate the sudden explosion of that system, which a sudden return to specie payments produced. The purchaser, whose hopes were founded on the prospect of paying for his land in the paper of State banks, was completely disappointed, as few of that description of notes have been, for a great part of the time since the resumption of specie payments, received. Thus situated, it has been found impossible to meet the payments promptly, as they became due.

These sir, are some of the causes which have operated to produce the present state of the debt owing for public lands, but which, I humbly conceive, ought not wholly to be charged to the imperfections of the present system. It has arisen from causes which cannot operate on future purchases, and which, I trust, will never again exist.

Mr. Chairman, I am well satisfied that the present system is a good one, and that the fears entertained of the disastrous consequences are by no means well founded. I have seen one of the most important States in this Union grow up suddenly from the wilderness, under the influence of this system; yet I cannot but feel myself impressed by the strong prejudice that appears to prevail against it. I am well aware that it is believed that the Western people have enjoyed peculiar favors, and that great speculations have been made at the public expense. But let me assure you, sir, that this is not the case, there is but a very small inducement to speculation in public lands; the Government is too large a landholder for any one to come in competition with it. Sir, it is the industry of the Western people which has led to any degree of prosperity which they may be supposed to enjoy. I regret extremely that the Western people should be considered as wishing to live by the bounty of the General Government. I regret that the delegation from the Atlantic section of the Union are so much opposed to the present land laws; and it is this opposition which induces me to consent to

APRIL, 1820.

Public Lands.

H. of R.

the change proposed in this bill. I consider it of importance that all jealousy against the Western country should be allayed; and, as this bill proposes an equivalent for the credit heretofore granted, I may come to a determination to vote for it, and hope it may pass.

Mr. McLEAN, of Kentucky, spoke as follows:

Mr. Chairman, it was not my intention to have detained the Committee on this subject, although an important one, and one on which the prosperity of the Western country much depends. But, as frequent reference has been made to the mode adopted by the Legislature of Kentucky, in disposing of her vacant lands, and the consequences growing out of that, to prove the propriety, or rather the necessity, of passing the bill on your table, and as I represent a part of that section of the State which has been settled under the operation of the Kentucky system, (as it has been called,) and presume I am as well acquainted with the operation of that system as my colleagues who have animadverted upon it, I hope I shall be indulged a few moments on this important subject. Mr. Chairman, what was that system? Before any person was permitted to locate a piece of vacant land, he was required to produce satisfactory proof, to the proper authority, that he was an actual and *bona fide* settler on the land he wished to enter. If he offered this proof, he was entitled to a certificate for four hundred acres of land, in which was particularly described the land he was settled on; and, upon his paying into the Treasury at the rate of twenty cents per acre, in four annual instalments, he was entitled to a patent for his land, agreeably to his survey made on said certificate.

The Legislature of Kentucky appeared to be more desirous of having the country settled than to make money out of their soil, and their expectations were fully realized. What has been the effect of this system? Owing to the inducements held out to all classes, both rich and poor, by the low price of the land, and the easy terms of payment, together with the excellent quality of the soil, the country settled with a rapidity unexampled. Farms and villages sprang up through the country as if by magic, and a portion of that country is at this time in as high a state of cultivation as any part of the State, and sends to foreign markets as much surplus produce. That country which in '95 was a wilderness, entirely frontier, in which there was scarcely a white man, in 1800 was entitled to one member on this floor; in 1810 to three; and, I have no doubt, at the next apportionment of representation, (unless the ratio is raised,) will be entitled to five.

It may be somewhat surprising, yet it is nevertheless true, that, although the land was sold upon such easy terms, thousands of persons settled on it who were unable to comply with the terms of sale, and the Legislature has been compelled to extend her parental indulgence to them from year to year, and the whole of the debt is not yet extinguished. But, sir, has the State been injured by this lenity? I answer, no; far from it. She has the pleasing reflection of having increased her population and influence, and is now deriving

wealth from the labor of her citizens, who are literally sitting under their own vine and fig tree, cultivating their own land, and, by their industry, supporting their families. I am personally acquainted with many persons who were unable to pay for their land when they settled on it, who, by their industry, have raised the means to pay for it out of the land itself, and are now independent, good liver. Under the operation of this law, the settler became a tenant to the State, and, by means of his industry, he paid for his land, and reaped the reward of his labor, by enjoying the advantages of his improvement; whereas, if this land had not been sold upon a credit, he must have become a tenant to an overbearing landlord, and, after making a farm, and valuable improvements for another, he would be compelled to leave it, and go again into the forest. I think there is no man who will say the system adopted by the State of Kentucky was a bad one. My colleagues who are in favor of the bill on your table, say, that the Green river debt has had a pernicious effect on the legislation of the State. I must confess I have never witnessed it, or been under its influence; and I am satisfied neither of my honorable colleagues will be willing to acknowledge that it has caused either of them to do that which they believed to be wrong. Neither am I willing to admit that, if this bill should not be passed, and the old system should be adhered to, that it ever will have an undue influence on the members of this House.

Mr. Chairman, I believe the interest of this nation will be promoted by disposing of the public lands in such a way as to put it in the power of every man, both rich and poor, who wishes to cultivate the soil, to obtain a part of it. If you take care of the poor, and enable them to procure lands, there is no danger of the rich; they can and will take care of themselves. Our Government rests upon the intelligence, independence, and equality of its citizens. All measures which are calculated to keep your citizens on an equality, not only as to personal rights, but as to property, tend to support and preserve your republican institutions; and all measures which are calculated to make the rich richer, and the poor poorer, tend directly to aristocracy. In vain do you say, when a portion of your citizens are rich, and a part of them poor, and dependent on the rich, that they are all upon an equality.

I hope I shall not be understood to say, that the Government ought to deprive a man of that which he has, to give it to the poor; but I do say, that the Government ought to adopt no measure which is calculated to benefit the wealthy part of the community alone, which I conceive the bill on your table will—because it will readily be perceived that no man, under the operation of this law, can procure a title to any of your lands, unless he can advance one hundred dollars. Gentlemen are not aware of the many difficulties which attend moving to, and settling a new country. The expense of travelling is considerable; and a whole year's provisions has to be laid in, and generally at a high price; when this is done, the poor man's

H. OF R.

Public Lands.

APRIL, 1820.

funds are exhausted, and he has nothing left to purchase even a half of a quarter section of land. What must he do? He must not only labor to support his family, but labor to pay his landlord for the use of his land. Gentlemen need not tell me that any man who ought to own land can raise 100 dollars. If they were in a situation to see many individuals who move to the Western country, they would change their opinion. Do we not know that many, very many, young persons unite together in marriage, who are not able to purchase the necessary articles for housekeeping and have 100 dollars in cash left to purchase a tract of land? In vain you tell me that this cash system is not for the benefit of the man who has cash, and to the prejudice of the poor man who has it not.

Gentlemen do not reason fairly when they attempt to prove, that it is better to purchase land at one dollar and twenty-five cents per acre for cash, than two dollars upon credit. If the present price is too high, reduce it to the price proposed, and then tell me whether it is not easier to purchase land upon the present credit than by paying the whole down, and whether it will not enable many persons to purchase land who will not be able to do so if this bill passes.

Mr. Chairman, if the amendment which I had the honor to offer (which was to permit the person who is settled, or should settle on the land to enter one quarter section on a credit, as heretofore) had prevailed, I would have no objection to the passage of this bill, as it would have encouraged the settlement of the country, and put a stop to that system of speculation which has and will prevail to such an injurious extent. Your best land is generally purchased by speculators who have money, not with a view of cultivating it themselves, but to keep it until the settlement of the country enhances the value, and then sell it to some person at an advanced price. Companies are formed in various parts of the Union, who send their agents to the Western country, who enter whole townships merely with a view of speculation; and thereby the land is taken out of the market until the price shall advance, and the settlement of the country retarded.

But, Mr. Chairman, I have little hopes that this bill will either be amended or be prevented from passing. My colleagues have advanced an argument which I believe to be entirely without foundation, yet, being urged by gentlemen from the West, it will have weight with members of the House, in spite of any thing which can be said against it: I mean the argument, that, if this credit system is permitted to go on, the people of the West will lose their affection for the Government, and the Government will finally lose the money, and the land too. If, indeed, there appeared to be a spirit rising in the West inimical to this Government, it would have been more agreeable to me for it to have been announced by members from other sections of this Union than from the West. But, I will ask, where is the evidence of disaffection towards the Government in the Western country? When has the Government called on this people,

either for money or men, and called in vain? I think it would be difficult for any person to point out the instance. I am sure it was not in the last war. We then paid our taxes cheerfully, and, at the beat of the drum, the whole country was ready to rally around the standard of their country. Sir, as it was not my intention to have addressed you on this subject, and as the merits, or rather demerits, of this bill, have been so ably pointed out by the honorable Speaker, I will detain you no longer; but express a hope that the bill will be either amended or rejected by the House.

After the bill had been reported by the Committee of the Whole, a variety of propositions were made to amend it, among which were the following.

The question was taken, by yeas and nays, on concurring with the Committee of the Whole in refusing to strike out the second, third, fourth, fifth, and sixth sections of the bill, being that part of the bill which requires the whole payment, on the purchase of a tract of land, to be paid in cash; and the result was as follows:

YEAS—Messrs. Abbot, Adams, Alexander, Allen of Massachusetts, Allen of New York, Anderson, Archer of Maryland, Archer of Virginia, Baker, Baldwin, Barbour, Bateman, Bayly, Beecher, Boden, Brush, Burton, Butler of New Hampshire, Campbell, Case, Clagett, Clark, Cocke, Crafts, Crawford, Culbreth, Cushman, Cuthbert, Darlington, Davidson, Dennison, Dickinson, Dowse, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Edwards of North Carolina, Ervin, Fay, Fisher, Floyd, Folger, Foot, Forrest, Fuller, Fullerton, Garnett, Gross of New York, Gross of Pennsylvania, Hall of New York, Hall of Delaware, Hall of North Carolina, Hardin, Hemphill, Herrick, Hibshman, Heister, Hill, Holmes, Hooks, Hostetter, Jones of Virginia, Kent, Kinsey, Kinsley, Little, Linn, Livermore, Lowndes, Lyman, Maclay, McCoy, McLane of Delaware, Mallary, Marchand, Mason, Meigs, Mercer, R. Moore, S. Moore, Monell, Morton, Murray, Neale, Nelson of Massachusetts, Newton, Overstreet, Parker of Massachusetts, Parker of Virginia, Patterson, Philson, Pinckney, Pindall, Plumer, Rankin, Reed, Rhea, Rich, Richards, Richmond, Ringgold, Robertson, Rogers, Ross, Russ, Sampson, Sergeant, Settle, Shaw, Silsbee, Simkins, Sloan, Slocumb, Smith of Maryland, B. Smith of Virginia, Smith of North Carolina, Southard, Storrs, Street, Strong of Vermont, Strong of New York, Swearingen, Tarr, Taylor, Terrell, Tompkins, Tracy, Tucker of South Carolina, Tyler, Van Rensselaer, Wendover, Whitman, Williams of Virginia, Williams of North Carolina and Wood—125.

NAYS—Messrs. Allen of Tennessee, Ball, Brown, Bryan, Burwell, Butler of Louisiana, Cannon, Cook, Crowell, Ford, Hendricks, Jones of Tennessee, McCreary, McLean of Kentucky, Metcalf, Nelson of Virginia, Stevens, Trimble, and Tucker of Virginia—19.

Mr. HENDRICKS then moved to amend the bill by adding to the fourth section the following proviso:

“And provided, further, That the actual settler of the soil shall be entitled to the privilege of making payment for his land, if the same shall not exceed one hundred and sixty acres, in instalments, agreeably to the present credit system, as to time of payment, and forfeiture; which settlement shall be ascertained and

APRIL, 1820.

Public Lands.

H. OF R.

determined agreeably to such rules and regulations as the Secretary of the Treasury shall prescribe."

And, the question being taken thereon, it was determined in the negative.

Mr. McLEAN, of Kentucky, moved to amend the bill by inserting after the word *office*, where it occurs for the last time in the second section, the following words:

"Unless he shall produce satisfactory proof to the register of the public lands that he is an actual and bona fide settler, with his family, on the lands proposed to be entered; and shall, also, make oath, that he has not previously entered any other lands belonging to the United States; then the said person shall be entitled to enter one quarter section, including his said settlement, upon credit, as heretofore."

And, the question being taken thereon, it was determined in the negative.

Mr. COOK moved to amend the bill by striking out the second section, and, in lieu thereof, to insert the following:

"SEC. 2. *And be it further enacted*, That, from and after the first day of July next, credit shall not be allowed for the purchase money on the sale of any of the public lands sold at public sale, but every purchaser of land, which may be sold thereafter at public sale, shall, on the day of purchase, make complete payment therefor; and if any person, being the highest bidder at public sale, for a tract of land, shall fail to make payment therefor on the day on which the same was purchased, the tract shall be again offered at public sale, on the next day of sale, and such person shall not be capable of becoming the purchaser of that or any other tract of land at such public sales. And from and after the period aforesaid, whenever the purchaser of any of the public land, at private sale, shall, at the time of making such purchase, make complete payment therefor, the price shall be one dollar and twenty-five cents per acre: *Provided, however*, That this provision shall not be so construed as to prevent the purchase upon credit, as heretofore, at private sale."

And, the question being taken thereon, it was determined in the negative.

Mr. SCOTT moved to amend the bill by inserting therein two new sections, to come in as the fifth and sixth sections thereof, to wit:

"SEC. 5. *Be it enacted, &c.*, That every person, or the legal representatives of every person, who has actually inhabited and cultivated, and who now resides upon any tract of land lying in any district established for the sale of public lands, which tract is not rightfully claimed by any other person, such person, so residing as aforesaid, or his legal representatives, shall be entitled to a preference in becoming the purchaser from the United States of such tract of land, at private sale, upon the same terms and conditions, in every respect, as have heretofore been provided by law for the sale of other lands sold at private sale: *Provided*, That no more than one quarter section of lands shall be sold to any one individual in virtue of this act, and the same section shall be bounded by the sectional and divisional lines run, or to be run, according to law: *Provided, also*, That no lands reserved from sale by former acts, or lands which have

been directed to be sold in town lots, shall be sold under this act.

"SEC. 6. *Be it further enacted*, That every person claiming a preference in becoming the purchaser of a tract of land in virtue of this act, shall make known his claim by delivering a notice, in writing, to the register of the land office for the district in which the land may be, wherein he shall particularly designate the quarter section he claims; which notice the register shall file in his office, on receiving twenty-five cents from the person delivering the same. And, in every case where it shall appear to the satisfaction of the register and receivers of public moneys of the land office that any person, who has delivered his notice of claim, is entitled, according to the provisions of this act, to a preference in becoming the purchaser of a quarter section of land, such person, so entitled, shall have a right to enter the said quarter section, or half thereof, with the register of the land office, on producing his receipt from the receiver of public moneys for at least one-twentieth part of the purchase money, as in case of other lands sold at private sale: *Provided*, That all lands to be sold under this act, which shall not have been previously exposed to public sale, shall be entered with the register at least two weeks before the time which may be appointed for the commencement of the public sale thereof. And every person, having a right of preference in becoming the purchaser of a tract of land, who shall fail to make his entry with the register within the time prescribed, his right shall be forfeited, and the land by him claimed shall be offered at public sale with the other public lands in the district to which it belongs."

And, the question being taken to agree to amend the bill by inserting these sections, it was determined in the negative.

Mr. CROWELL then moved to add to the bill the following section:

"*And be it further enacted*, That where any person has heretofore purchased more than one quarter section of land, or more than one fractional quarter section, and has not made complete payment therefor, such person shall be permitted to surrender to the register of the land office of the district in which such purchase or purchases have been made, any of the quarter sections, or fractional quarter sections, which he or she may have purchased; and the sum or sums which such person may have paid upon the land so surrendered, shall be carried to his or her credit upon those quarter sections, or fractional quarter sections, which he or she may choose to retain; and the land so surrendered shall be considered as reverted to the United States, and shall be disposed of, in all respects whatever, like other reverted or forfeited lands."

And, the question being taken thereon, it was determined in the negative.

Mr. BUTLER, of Louisiana, moved that the bill be amended by adding thereto the following section:

"*And be it further enacted*, That the provisions of this act shall not extend to the State of Louisiana, but the public lands within that State shall be disposed of according to the laws now in force."

And, the question being taken thereon, it was determined in the negative.

And the bill was then ordered to be read a third time to-morrow, without amendment, and the House adjourned.

H. OF R.

The Militia.

APRIL, 1820.

THURSDAY, April 20.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act to provide for the expense of surveying certain parts of the coast of North Carolina, and for other purposes," reported the same without amendment; and it was committed to a Committee of the Whole to-morrow.

Mr. ANDERSON, from the Committee on Public Lands, to whom was referred the Senate's bill authorizing the designation of the boundary between the States of Indiana and Illinois, reported the same without amendment, and then moved that the same be indefinitely postponed.

Mr. COOK, with a view to acting indefinitely on the bill, moved to lay the same on the table; but the motion was negatived.

Mr. HENDRICKS then opposed the indefinite postponement of the bill, and Mr. ANDERSON advocated it; when,

On motion of Mr. WOODBRIDGE, the bill was ordered to lie on the table.

Mr. ANDERSON, from the Committee on Public Lands, to whom was referred the bill to establish land offices in the State of Alabama, reported the same with amendments, embracing the establishment of a land office in Indiana; and the bill and amendments were referred to a Committee of the Whole.

Mr. BRUSH, from the Committee on the Expenditures in the War Department, to whom was referred the subject of the loan of gunpowder, by the officers of the War Department, to Stull and Williams, made report thereon; which was ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: "An act to provide relief for sick and disabled seamen," and "An act granting to the State of Ohio the right of pre-emption to certain quarter sections of land," in which bills they ask the concurrence of this House.

The bill for regulating the manner of settling the accounts of the several deputy surveyors in the Missouri and Arkansas Territories passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The Committee of the Whole took up for consideration the several bills concerning land offices; and, having risen and made report thereon—

The amendment to the bill for the establishment of additional land offices in the State of Illinois, was read; and,

On motion of Mr. COOK, the bill was recommended to the Committee on Public Lands.

Amendments reported to the bill to designate the boundaries of districts and establish land offices for the disposal of the public lands not heretofore offered for sale in the States of Alabama and Indiana, were read, and part concurred in and part disagreed to by the House; and the bill was ordered to be engrossed, and read a third time to-morrow.

The bill from the Senate, "to establish additional land offices in the State of Alabama," was

ordered to lie on the table, the provisions of it having been comprised in the bill above mentioned to establish additional land offices in Illinois.

Mr. BRUSH moved that the House do now proceed to the consideration of the resolution, submitted by him on the 23d February last, to inquire into the expediency of ascertaining the northern boundary of the State of Ohio; which motion was rejected by the House.

Mr. COBB moved that the House do now proceed to the consideration of the bill from the Senate, entitled "An act to incorporate the inhabitants of the City of Washington, and to repeal the several acts heretofore passed for that purpose;" which motion was also rejected by the House.

Bills from the Senate of the following titles, to wit: "An act to provide relief for sick and disabled seamen," and "An act granting to the State of Ohio the right of pre-emption to certain quarter sections of land," were severally read twice, and referred—the first to the Committee of Ways and Means, and the second to the Committee on the Public Lands.

THE MILITIA.

The bill to provide for clothing the militia when called into the service of the United States; the bill to establish a uniform mode of discipline and field exercise for the militia of the United States; and the bill from the Senate "to provide for clothing the Army of the United States in domestic manufactures," passed through a Committee of the Whole, and were reported to the House.

The first of these bills being taken up—

Mr. MERCER moved to amend it by striking out that part of the first section which provides that the militia, who may hereafter be called into the service of the United States, "shall, in addition to the pay and emoluments heretofore allowed by law, be entitled to and receive the value of a full suit of clothing, in all cases where they shall perform a six months' tour of duty, and furnish themselves with clothing sufficient for said term of service; and in all cases where they shall be called on for a shorter period, or shall be discharged from the service before the expiration of the time for which they had been required, they shall be entitled to receive such proportion of the value of a suit of clothing as may be equal to the time they may have been in service;" and, in lieu thereof, to insert a provision that any one who takes the field for a tour of duty of not less than six months, shall, in addition to the pay and emoluments heretofore allowed by law, be entitled to and receive each a full suit of uniform, including a blanket, &c.

This amendment was, together with the bill, ordered to lie on the table.

The amendments reported by the Committee of the Whole to the bill to establish a uniform mode of discipline and field exercise for the militia was taken up; when,

Mr. FOOT moved to amend the bill by striking out the second section, which provides "that so much of the act of Congress, approved the 8th of

APRIL, 1820.

Public Lands—Clothing for the Army.

H. OF R.

May, 1792, as approves and establishes the rules and discipline of the Baron De Steuben, and requires them to be observed by the militia throughout the United States, be, and the same is hereby, repealed."

This motion was negatived, and the bill was ordered to be engrossed for a third reading.

PUBLIC LANDS.

The bill from the Senate, for changing the mode of disposing of the public lands, was then read a third time; and on the question, "Shall the bill pass?" the vote was—For the passage of the bill 133, against it 23, as follows:

YEAS—Messrs. Abbot, Adams, Alexander, Allen of Massachusetts, Anderson, Archer of Maryland, Baker, Baldwin, Barbour, Bateman, Bayly, Beecher, Boden, Brush, Buffum, Campbell, Case, Claggett, Clark, Cobb, Crafts, Crawford, Culbreth, Cushman, Cuthbert, Darlington, Davidson, Dennison, Dewitt, Dickinson, Dowse, Earle, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Edwards of North Carolina, Fay, Fisher, Floyd, Folger, Foot, Forrest, Fuller, Fullerton, Garnett, Gross of New York, Gross of Pennsylvania, Hall of New York, Hall of Delaware, Hall of North Carolina, Hardin, Hazard, Hemphill, Herrick, Hibshman, Hiester, Hill, Holmes, Hooks, Hostetter, Kendall, Kinsey, Little, Linn, Livermore, Lyman, McCoy, McLane of Delaware, Mallary, Marchand, Mason, Meech, Meigs, Mercer, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Neale, Nelson of Massachusetts, Newton, Overstreet, Parker of Massachusetts, Parker of Virginia, Patterson, Phelps, Philson, Pinckney, Pindall, Pitcher, Plumer, Rankin, Reed, Rhea, Rich, Richards, Richmond, Robertson, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Settle, Shaw, Silsbee, Simkins, Sloan, Slocumb, Smith of New Jersey, Smith of Maryland, B. Smith of Virginia, Smith of North Carolina, Southard, Storrs, Strong of New York, Swearingen, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Tucker of South Carolina, Tyler, Van Rensselaer, Wallace, Wendover, Williams of Virginia, Williams of North Carolina, and Wood.

NAYS—Messrs. Allen of Tennessee, Ball, Bloomfield, Brown, Bryan, Burwell, Butler of Louisiana, Cannon, Cook, Crowell, Culpeper, Ford, Hackley, Hendricks, Johnson, Jones of Tennessee, McCreary, McLean of Kentucky, Metcalf, Stevens, Trimble, Tucker of Virginia, and Walker.

CLOTHING FOR THE ARMY.

The Senate's bill to provide for clothing the Army of the United States in domestic manufactures was taken up.

Unsuccessful motions were made to lay it on the table, and postpone it to the first day of May.

Among other motions to amend the bill was one by Mr. HOLMES, to strike out the proviso, that the domestic goods can be procured at the same prices as goods of the same kind and quality of foreign manufacture.

This motion gave rise to considerable debate, and was at length decided by yeas and nays—85 to 73, as follows:

YEAS—Messrs. Adams, Allen of Massachusetts, Allen of New York, Baker, Baldwin, Beecher, Boden, Brown, Brush, Campbell, Case, Clark, Cook, Cushman, Darlington, Dennison, Dewitt, Dickinson, Eddy,

Edwards of Connecticut, Edwards of Pennsylvania, Ervin, Fay, Folger, Foot, Forrest, Gross of New York, Gross of Pennsylvania, Hall of New York, Hall of Delaware, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Heister, Hill, Holmes, Hostetter, Kendall, Kinsey, Kinsley, Lyman, Maclay, McLane of Delaware, McLean of Kentucky, Marchand, Mason, R. Moore, S. Moore, Monell, Morton, Murray, Newton, Parker of Massachusetts, Parker of Virginia, Phelps, Philson, Pitcher, Rich, Richmond, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Shaw, Silsbee, Sloan, Smith of New Jersey, Southard, Stevens, Storrs, Strong of Vermont, Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Trimble, Van Rensselaer, Wallace, Wendover, and Wood.

NAYS—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Ball, Barbour, Bateman, Bayly, Bloomfield, Bryan, Buffum, Burton, Burwell, Butler of New Hampshire, Cannon, Cobb, Cocke, Crafts, Crawford, Culbreth, Culpeper, Cuthbert, Davidson, Earle, Edwards of North Carolina, Fisher, Floyd, Fullerton, Garnett, Hardin, Hooks, Johnson, Jones of Virginia, Jones of Tenn., Kent, Little, Livermore, Lowndes, McCoy, McCreary, Meech, Mercer, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Pinckney, Pindall, Plumer, Rankin, Reed, Rhea, Richards, Ringgold, Settle, Simkins, Slocumb, Smith of Maryland, B. Smith of Virginia, Smith of North Carolina, Swearingen, Tracy, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker, Warfield, Whitman, Williams of Virginia, Williams of North Carolina.

Mr. FLOYD then, with a view to ascertain what premium was to be paid for goods of domestic manufacture, beyond the price at which articles of the same quality of foreign fabric could be purchased, moved to insert in the bill a proviso, that no contract should be made for goods, nor any goods purchased for the clothing of the Army, at a price more than ten per cent. above that at which articles of the same quality imported from a foreign country could be purchased.

Mr. KINSEY moved to amend the bill by inserting "five" per cent. instead of "ten" per cent.

Mr. FLOYD accepted the amendment as a modification of his own motion.

The question on Mr. FLOYD's motion was then taken by yeas and nays, and decided in the affirmative—82 to 78, as follows:

YEAS—Messrs. Abbot, Adams, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Ball, Barbour, Bateman, Bryan, Burton, Burwell, Butler of New Hampshire, Butler of Louisiana, Cannon, Cobb, Cocke, Crafts, Crawford, Culpeper, Cushman, Cuthbert, Dennison, Earle, Edwards of North Carolina, Ervin, Fisher, Floyd, Foot, Fullerton, Garnett, Hall of Delaware, Hardin, Johnson, Jones of Virginia, Jones of Tennessee, Kendall, Kent, Kinsey, Kinsley, Little, Linn, Lowndes, McCoy, McCreary, McLean of Kentucky, Mallary, Meech, Mercer, Monell, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Massachusetts, Parker of Virginia, Pinckney, Pindall, Plumer, Rankin, Reed, Richards, Ringgold, Settle, Shaw, Simkins, Slocumb, Smith of Maryland, B. Smith of Virginia, Smith of North Carolina, Swearingen, Tarr, Tracy, Tucker of Virginia, Tucker of South

Carolina, Tyler, Walker, Warfield, Whitman, Williams of Virginia, and Williams of North Carolina.

YAYS—Messrs. Allen of Massachusetts, Allen of New York, Baker, Baldwin, Beecher, Bloomfield, Boden, Brown, Brush, Buffum, Campbell, Case, Clark, Culbreth, Darlington, Dewitt, Dickinson, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Fay, Folger, Forrest, Gross of New York, Gross of Pennsylvania, Hall of New York, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Heister, Hill, Holmes, Hostetter, Lyman, Maclay, McLane of Delaware, Marchand, Mason, Meigs, R. Moore, S. Moore, Morton, Murray, Patterson, Phelps, Philson, Pitcher, Rhea, Rich, Richmond, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Sloan, Smith of New Jersey, Southard, Stevens, Storrs, Strong of Vermont, Strong of New York, Taylor, Tomlinson, Tompkins, Trimble, Van Rensselaer, Wallace, Wendover, and Wood.

The amendments were then ordered to be engrossed, and the bill read a third time to-morrow.

AMENDMENT TO THE CONSTITUTION.

Mr. SMITH, of North Carolina, moved that the House do now proceed to consider the resolution from the Senate, "proposing an amendment to the Constitution of the United States as it respects the choice of Electors of the President and Vice President of the United States, and the election of Representatives in the Congress of the United States."

Mr. SMITH addressed the Chair as follows:

Mr. Chairman, the resolution before us is one of more than ordinary importance. It proposes nothing less than to amend that instrument which, to every American, must be considered the palladium of his liberty—the Constitution of the United States—and a part of it, too, which the citizen of a Republic should esteem far the most valuable and important—I mean that part which regulates the elective franchise.

Sir, I am aware of the ground on which I stand. I am aware of the magnitude of the subject before me. That the people of these States have for this instrument the most devoted attachment and profound reverence, must be obvious to the most superficial observer. They view it as the most noble work of their ancestors, and every attempt that may be made to alter or amend it, will excite distrust and jealousy.

But, sir, every day's experience teaches us the frailty and imperfection of all human productions. When we take a retrospective view of the works of man, we cannot deny the vast improvements that have been made in science, in the mechanics, and in every department of human industry. We look back with astonishment at the vague and visionary theories that were, in their day, considered the most happy efforts of human genius. Although I believe that this Constitution surpasses all other constitutions, as far as the sun does in splendor the smallest star in the heavens, yet I am compelled to believe that it is capable of amendment. I am not one of those that believe that our fathers had more virtue and talents than the present generation. I admire the political sagacity of the wise men who framed the Constitution of the United States; and if there is any thing about it that ex-

cites surprise, it is, that the work should have been at that day made as perfect as it is. When we view that thing called a great man at a distance he appears to us as a giant, but as you approach him, you find him dwindle down to a pigmy; like the distant horizon, he appears above us, although we may occupy a point much more elevated than the one to which our eyes are directed.

In reconciling the various and conflicting interests of thirteen States, dissimilar in climate, population, and extent of territory, the conventionalists had a difficult task to perform; and, being themselves conscious that the instrument would require amendment, they provided a way by which it might be amended in part, without submitting the whole to the discretion of a convention.

If the proposition before you proposed the adoption of a new principle, I should be ready to shrink from so pernicious and dangerous an undertaking. But such is not the fact. It only goes to regulate established principles, and to place them upon a ground more congenial with the true spirit and genius of a republican government.

Nearly all the States in the Union have exercised the privilege of the elective franchise, at some one period, in the way now pointed out in the resolution on your table.

This amendment proposes that each State shall be laid out into as many districts as such a State shall be entitled, under the Constitution and laws of the United States, to elect Representatives to Congress, and that each district shall, as nearly as can, be composed of contiguous territory, and the same district shall elect one Elector to vote for President of the United States and for Vice President. The other two Electors to which each State shall be entitled, shall be elected by the States, in such manner as the Legislature thereof shall direct.

I am aware that we shall be told that this Constitution does not require any amendment; that it is good enough, and that under it the people have enjoyed, to the fullest extent, their liberty; that it has guided us through peace and war for thirty-two years past; and that, under it, the nation has grown great and powerful. This is true, and the reason for it may be sought and found in the people themselves. Such a brave, high-minded, and virtuous people, unhackneyed in the intrigues and vices of foreign countries and foreign courts, could have gotten on almost without the form of a written constitution.

And it is true that, at this day, when all is calm and tranquil as the morning, when there are no parties in hostile array against each other; that the reasonings that would in other days, and at other times of party rage and violence, have had great influence and effect on the minds of men, have now but little or no effect. And it will be contended, no doubt, by those that are opposed to any amendment, that if there is ever a necessity of amending this instrument, the day is very remote.

Sir, we all view danger at a great distance from us with perfect indifference; but the most hardy amongst us begin to feel its effects as it approaches

APRIL, 1820.

Amendment to the Constitution.

H. OF R.

near to us. Nothing can constitute a more important quality in a statesman than that he should have political sagacity to see danger threatening his country at a distance, and skill to provide before its approach the means of averting it. If, then, there is any defect to be found in this instrument, why should we not apply the remedy at this time? Do gentlemen expect that a more favorable moment ever can present itself?

As before hinted, there was a time when many of the States in this Union acted on the plan now proposed from their own sense of propriety. But as soon as parties of different political characters began to spring up, and when the two great contending parties that have for some years past agitated the minds of the people so much, had formed themselves under their respective leaders, and had put themselves in hostile array against each other; and when the contest for power and ascendancy was yet doubtful, each party, anxious to augment its scope of influence, lost no opportunity to make every thing yield that could be made to yield, to their ambitious views. When it was ascertained that one party had a few hundred votes of a majority in a State, that party would resort to that mode of electing Electors that would promise most effectually to stifle the voice of the minority, and at the same time give the greatest majority in favor of the dominant party. No other considerations than these seemed to have had any influence on the minds of the respective leaders throughout that arduous struggle. But now, when things have resumed their usual channel, and when the minds of men are left free, and can be acted upon by reason and a sense of justice and propriety, why should we not consider coolly and dispassionately whether this amendment might not with safety be made?

In changing from one system to another, for the purposes just enumerated, great heat and confusion was often generated. The State of Pennsylvania, in one of those great struggles, came very near losing her entire vote; the Legislature was nearly equally divided, and the contest doubtful: in that case each party had to make the best bargain that they could. Now, in a struggle of this kind, the voice of the people was not heard, nor their wishes consulted. The leaders of each party were doing, in fair bargain and sale, the best they could for their own interest, together with that of their friends; and we must calculate upon more than the ordinary scope of human imperfection will justify, if we may not suppose that the state of things will again occur, and continue to recur, so long as it shall be left in the power of the State Legislatures to change from one mode to another, as their interest may dictate at the moment.

Massachusetts, at one time, for the purpose of effecting her purpose in the Presidential election, divided herself into districts to suit the sectional residence of the dominant party: districts were made of territory not contiguous; towns were added that were in parts of other districts. I remember, the shape of those districts were so singular that they gave to them the name of Gerrymanders, and called the new mode of districting Gerrymandering.

The State of New Jersey elected by general ticket; but, just before a Presidential election, the Legislature of the State met, and finding that if the electors were chosen by general ticket the vote would not be such as would please them, they repealed the law, and at once proceeded to take the power into their own hands, and chose such from among themselves as promised to serve their views. Can there be stronger evidence than this of the defect of such a system? In this case the people of New Jersey had no more to do in that election, and their voice was as little heard, as was that of the citizens of Canada. At the time of voting for Representatives the voter never dreamed of such a result; he supposed that, at the proper time, he would again give his vote for electors.

Sir, these are so many avenues left open to intrigue, fraud, and corruption, and if they are not made the common passways of the day, it is because the inducements to travel them are at this time not sufficiently strong.

The chief Executive office of this great and growing Republic is a very important one. An office of great trust and of great patronage; and so guarded should the road to that office be, that none should pass thereto without being able to show a passport from the people themselves—from a majority of all the people. But, sir, under the present system, it is possible, by a species of league, of bargain and sale, to place a person in this high office, who shall only have the votes of three-tenths of the people, contrary to the wishes and the interests of seven-tenths of the people of the United States.

I will, to make myself understood, illustrate this in this way: Suppose that the parties that we have had in this country still existed, and were known by the same names of Federalists and Republicans, and that the parties in each of the States of Massachusetts, New York, Pennsylvania, Virginia, and North Carolina, should be equal, or nearly so, to the Federalists; having a very small majority in each State: now, by the general ticket plan, or by the plan of electing electors by the Legislature, each of these States can give the whole number to which they are entitled for the Federal candidate.

The number of Senators in the twenty-two States is 44; the number of Representatives is 186—making, in all, 230; which would be the whole number of votes given for a President: a majority of 230 is 116, which happens to be exactly the number of votes to which the five States above mentioned are entitled. Now, suppose that every man in the seventeen States not mentioned, should be republican, and nearly one half of the five States enumerated republican also, does it not appear clearly that seven-tenths are defeated by three-tenths of the people?

Again, the census of 1810 gave the population of the United States at 7,500,000. The five large States have one half of that number, say 3,750,000; now, as the federal majority was a bare majority in these States, there will be only in these States 1,870,000 Federalists who will have elected the President, to the exclusion of a candidate having

the united voice of seventeen States, and almost a majority of the other five, and against the voice of 6,630,000 of the people.

This is actual demonstration; there is no deception in it. Is it, then, a good system that can admit of such abuses as might thus be practised? That the majority shall rule is the vital principle of all Republics. But, sir, that principle does not seem to be secured by the present mode. But gentlemen will say that this is an extreme case, not likely to occur. I admit that it is an extreme case, and, though it might not occur exactly in the form here pointed out, yet it may occur, with some modification, and the effect would be about the same.

May not the day come when such attempts may be made? Sir, we have seen, during the short existence of this Republic, attempts made to subvert the very spirit and meaning of the Constitution, and in regard to the election of Chief Magistrate too. I allude to the first election of Mr. Jefferson. Aaron Burr was run at the same time for Vice President, and the number of votes was equal. The Constitution was not sufficiently definite on that subject; no distinction was required in the votes, and the friends of Burr contended that his claim was equal to that of Mr. Jefferson to the Presidency; and the House of Representatives had to proceed to ballot, according to the mode pointed out in the Constitution, for a President, and it was not until thirty-six separate and distinct ballotings had taken place that a choice was made. Now, sir, in that case it was notorious that not one man had voted for Burr with the view of making him President. But if that defect had been pointed out previous to that time, the advocates for the Constitution, without any amendment, would have cried out that it was an extreme case, and not likely to occur.

The people learn from experience. No sooner did this occurrence take place than the people did resolve to amend the Constitution, so as to guard in future against such occurrences and such abuses. One of the strong arguments used against the proposed amendment is, that it is interfering with State rights. The large States may be deprived of some of their power and influence in the General Government, and States are like individuals; they dislike to part with any portion of their power. It is to be regretted that there should have been such a want of equality in the size and population of the States. If they had been about the same size we would have but little State jealousy compared with what we have at this day, and the only method that I can discover to remedy this evil is by adopting the amendment proposed. At this day it is the interest of the large States, they contend, to retain all this influence. It is true that the large States may, by a kind of bargaining, obtain some more than a due proportion of the offices of the General Government; but this is but little calculated to make the condition of the great mass of the people happy. It may suit the views of a few aspiring men.

But it is at all times difficult to persuade men that they have in their hands more than a due

proportion of power and influence; or, if you can make them sensible that they do possess more than a due proportion of weight in the affairs of the State or Union, yet it will be by far more difficult to get them to abandon it. Of this we have constant examples; and here permit me to notice one or two. In North Carolina, that tract of country immediately on the seaboard and for some distance back, was, in the first settlement of the country, laid out into small counties; and the tract of country back, toward the mountains, was laid out into counties of a much larger extent of territory. The Constitution of the State gives to each county one Senator and two Representatives. The effect of this is to give a preponderance in the Legislature to the eastern portion of the State. Although the number of the population in the western counties is almost double, this cannot be altered without a convention, and a convention cannot be called without the consent of the Legislature. Now, sir, attempts have been made to call a convention, from time to time, but in vain. The people cry out for county rights, and, although every man of candor must admit that they are enjoying more than an equal proportion of the power and influence of the State, yet, so sweet is power, that they hold on with the iron grasp of death. I believe that Virginia is in the same situation, and equally without a remedy.

Mr. Chairman, nothing can be more true than that all the citizens of a State should enjoy equal privileges, and that mutual concession and good will should exist in all its parts; but this never can be the case if one portion, by a forced construction of the written compact under which they live, are always endeavoring to exercise powers that, in justice, are not their own, and which belong to another portion in part.

Sir, the proposed amendment will not affect the rights of the States; the federative principle is preserved. There was not any part of the Constitution, in its formation, that was so difficult to fix upon as the part relative to the election of a Chief Executive Magistrate. At one time it was proposed to elect the President directly by the people, on the popular principle; that was objected to (if I am correctly informed) on the ground that the federative principle should likewise be preserved; that the Chief Magistrate would preside over the States, in their federal character, as well as over the people; and that to elect by the people directly would destroy that important feature, which it was thought to be important to preserve. It was proposed, in the next place, that the President should be elected by the joint vote of both Houses of Congress; and this proposition was adopted under the belief that, in that form, the federative and popular principle would be preserved; and it remained fixed and determined until near the rise of the Convention, when doubts began to arise whether the Congress was the proper body to elect the Chief Magistrate. Those that doubted the policy of confiding to that body this important trust, contended that, from the acquaintance and intimacy that would exist between the President and the members of Congress, they

APRIL, 1820.

Amendment to the Constitution.

H. OF R.

might be biased in their judgment towards the incumbent of the Executive chair. But no objection was made to the principle on which such a choice could be founded. It was determined, then, to give to each State in the Union a right to choose as many persons as such State should have Representatives and Senators in the Congress of the United States, who, when thus chosen, should, by ballot, in their respective States, choose a Chief Magistrate.

This mode combined the popular and the federative principle, and guarded against the objections of bias that were brought against the Legislature, as the Electors thus chosen would be strangers to the Chief Magistrate, and would be most likely to make a correct and impartial choice. The Convention, after due deliberation, adopted this form, and it became a part of the Constitution.

The mode being fixed, the next thing was to provide, in the event of two or more candidates having an equal number of votes, who or what body should decide the contest. It was first proposed that the Senate should, by ballot, decide; but this was objected to, because this would be making the President on the federal principle entirely. It was then proposed that the House of Representatives should decide; this was objected to, on the ground that it would be making the choice solely on the popular principle; but to avoid this objection, it was moved that the House should ballot by States, each State having one vote, which would combine both principles; and in this form it was agreed to.

I have used this to prove that the Convention, throughout, were determined to guard against the encroachments of the States on one hand, and of the people on the other; and that the amendment proposed is no violation of first principles.

Sir, adopt the proposed amendment, and you will give the people a fair opportunity of being heard in the choice of that important officer—the Chief Magistrate of the Union. The majority and the minority in the respective States will have a fair opportunity of being heard. If there are political parties, they can be fairly heard; if the contest is about men, and if there are no political parties, a fair expression of the public mind can be had. It will guard and protect the people against intriguing and designing men. They will not be able to carry their influence into every county and neighborhood in a large State; but they can into those assemblies called caucuses, which are gotten up about the seats of the State Legislatures, during their sessions. If you will adopt the proposed amendment, and the States should ratify it, which I am confident they will, the people will not want from the State Legislatures a caucus to say who shall be electors. They will be able, in their respective districts, to choose a man with whom they are acquainted, on whose intelligence and virtue they can rely, for the choice of a Chief Magistrate. You will bring the election near to the people, and, consequently, you will make them place more value on the elective franchise, which is all-important in a republican form of Government.

As to the modes of election now practised, they are equally exceptionable. If the Legislature elect the electors, you are heaping on them duties foreign to their duties as State legislators; and by this mode you make your system more complex. When the citizen is about to vote for a fit person to represent him in the State Legislature, he must recollect also that the same person is authorized to vote for electors, who, when thus chosen, has a right to vote for a Chief Magistrate. The members, when they convene at their Legislatures, will then have their caucus; and a fair opportunity is offered for intrigue; they will make the electors from their own body, calculated to serve their own views. If the election is by general ticket, the Legislature indirectly elect the electors. They form a caucus, and make out a ticket to suit the dominant party in that State, with as many names on it as the State is entitled to choose electors; and this is sent out to the people. Now, sir, this, in fact, is electing the electors; for the subsequent voting by the people, whatever may be said of it, is a mere form, the "shadow of a shade." For, sir, if the ticket displeases a great portion of the State, yet they cannot well alter it. Who can resist this tremendous caucus recommendation? If there are political parties in the State, the voice of the minority is entirely stifled by this system. And is this the system that will secure State rights; that system with which gentlemen are so delighted?

Sir, let the people have the election brought near to them, unmixed with other elections, that they may know what they are doing when they give in their votes. Do not be fearful of trusting them with what belongs to themselves. They are honest, and it only remains for them to know what is right, and they will do what is right.

But, sir, some say that this is an election that the people do not attend—one that they care but little about; that they care but little whether you elect the Chief Magistrate of the United States in one or the other modes mentioned. If this be true, it is only where you have made the system so complicated that the people do not comprehend it, that they are indifferent about it.

I recollect that when the Legislature of the State from which I come, at a period not very remote, thought proper to take from the people the right of choosing their electors in the accustomed way, by districts, and took the election into their own hands, that it produced a state of excitement never equalled in that State.

The people viewed it as a flagrant encroachment on their rights. This took place when party spirit run high, and at a time when the Republican party were threatened with an overthrow, and the advocates contended that it was a matter of expediency; that in that way alone the Republican party could give their full weight in the then approaching Presidential election; and that the measure was republican. But, sir, this would not appease the wrath of a people that considered themselves deprived of an important right. If this be your republicanism, said they, away with it. You have deprived us of the right of exercising one of our

most important political rights, and a privilege that we deem sacred; no apology will or can be received. And, sir, they displaced most of the supporters of this measure with a high hand.

Sir, it is well to cherish this high-minded spirit in the people, and to impress on their minds the value and importance of these high privileges.

Mr. Chairman, if this amendment shall prevail, and be ratified by the States, your President will be the choice of a majority of the whole people of the United States. He will be chosen for his virtue and intelligence, and not because he may be most likely to bestow his favors on a few conspicuous persons in a few of the large States. He will sit easy in his place, conscious that the people are on his side. He will remember that he derived his support from every portion of the Union, and will have an eye to the interest of the whole Union. The large States will be deprived of the power of combining and bargaining for the high offices of the General Government. Sectional feelings will, in some degree, be broken down, and union and harmony will be effectually preserved.

Sir, if ever there be a time when a subject of this kind can be acted on with propriety, it is now. The question can be put to the States when all is tranquil; when there is no party feeling to distort and sway the minds of men. It is a time when the subject can receive a candid and dispassionate examination, and a time when men of all parties can mingle in the discussion without jealousy or suspicion.

The States will not be surprised at the passage of the resolution on your table. The subject is not new to them: the States of North Carolina, New Jersey, New York, Massachusetts, Vermont, Virginia, and Pennsylvania, and some others that I do not recollect, have all given their consent, by their respective legislatures, to the proposed amendment.

And the Senate of the United States have passed this resolution the second time. Should all this have no weight with us? It is only for us to put the question to the States, and, if they reject it, then it is at an end.

And let it be remembered that we do not possess all the power on the subject of amending the Constitution of the United States. That instrument provides another method, or way, by which it may be amended. Two-thirds of the States have the power to demand of us a convention for that purpose, and we have no power to refuse such a demand.

Now, sir, is it not better for us to propose to amend the Constitution in a single point than to be forced, by the States, to call a convention, which, when convened, will have the power to make the whole instrument pass in review? Sir, I think there are but few amongst us, that are willing to submit that instrument to the hands of any set of men at this day. I mean the whole instrument.

Sir, I am done. I thank the Committee for their attention whilst I have endeavored to submit the few reasons which induce me to give the vote which I shall give on this subject. The re-

marks that I have submitted have been very desultory. I had not thought of speaking on this subject before a day or two past, and I should not have troubled you at this time, but from a belief that some person should bring up the subject; and knowing, as I do, that the State that I in part represent has felt some interest on this subject, I felt it somewhat my duty to call the attention of the Committee to it; believing that, when the subject was brought before them, that it was one that would call to its aid gentlemen of more ability and experience than myself.

Mr. SMITH's motion was rejected by the House. The House then adjourned.

FRIDAY, April 21.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill for the relief of Ambrose Vasse; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. KENT, from the Committee for the District of Columbia, to which was referred the bill from the Senate, entitled "An act to increase the allowance of the judges of the orphans' court in the counties of Washington and Alexandria," reported the same without amendment, and it was ordered to be read a third time to-morrow.

Mr. KENT moved that the House do now proceed to consider the bill from the Senate, entitled "An act to incorporate the inhabitants of the city of Washington, and to repeal all other acts heretofore passed for that purpose;" which motion was rejected by the House.

The bill from the Senate, entitled "An act to provide for clothing the Army of the United States in domestic manufactures, and for other purposes," was read the third time, and passed as amended.

An engrossed bill, entitled "An act to establish an uniform mode of discipline and field exercise for the militia of the United States," was read the third time, and passed.

An engrossed bill, regulating the manner of settling the accounts of the several deputy surveyors in the Missouri and Arkansas Territories, was read the third time, and rejected.

An engrossed bill, to designate the boundaries of districts, and establish land offices for the disposal of the public lands, not heretofore offered for sale in the States of Alabama and Indiana, was read the third time; and, on motion of Mr. LINN, it was

Ordered, That the said bill be recommitted to the Committee on the Public Lands.

The bill authorizing the sale of thirteen sections of land in Canton district, in the State of Ohio, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

A message from the Senate informed the House that the Senate have passed bills of the following titles, to wit: An act for the relief of Thomas L. Ogden, and others; an act to authorize the building of a certain number of small vessels of war;

APRIL, 1820.

Revision of the Tariff.

H. OF R.

an act for the relief of Matthew McNair; an act for the relief of Thomas Leiper; and an act confirming the proceedings of the inhabitants of the village of Cahokia, in the State of Illinois, in laying out a town on the commons of said village: in which bills they ask the concurrence of this House.

REVISION OF THE TARIFF.

The House then resolved itself into a Committee of the Whole, on the bills reported by the Committee of Manufactures, and the Committee determined to take up, first in order, the bill "to regulate the duties on imports and tonnage, and for other purposes." This bill proposes changes in relation to the duties on goods imported, in the proportions which are denoted in the following table, copied from that compiled and printed for the use of the House of Representatives:

A comparative view of the existing Tariff of Duties on goods imported from foreign countries as established by the act of 27th April, 1816, entitled "An act to regulate the duties on imports and tonnage," as amended by the act of the 20th of April, 1818, entitled "An act to increase the duties on certain manufactured articles imported in the United States," and that proposed by the bill now depending in the House of Representatives of the United States, "to regulate the duties on imports and for other purposes."

ARTICLES.	Old tariff.	New tariff.	Rate of addition'l duty.
First class of articles, per cent.	\$0 07 1-2	\$0 12½	2-3
Second	15	20	1-3
Third	20	25	1-4
Fourth and fifth classes, viz:			
Woollen manufactures	25	33	} Say 1-3
Cotton do., and cotton twist, not from India	25	33	
Ditto, do. from India	25	40	
Linen manufactures	15	25	
Clothing, ready made	} 30	40	
Bonnets, hats and caps of wool, fur, leather, straw, chip, or silk			
Silk manufactures from India			
Printed books	15	30	
Painted or stained paper, and paper hangings	30	35	
Clocks and time-pieces	} 30	35	} Say 1-6 a.
Umbrellas, sticks, and apparatus for umbrellas			
Bonnets and caps, not otherwise taxed			
Fans, feathers, flowers, millinery, perfumes, washes			
Painted floor cloths, oil cloths, mats, salad oil, capers, mustard, ol-			

STATEMENT—Continued.

ARTICLES.	Old tariff.	New tariff.	Rate of addition'l duty.
ives, preserves, wafers, sweetmeats			
Manufactures of wood, coarse lace, carriages, and furniture for do.			
Leather, and manufactures of leather, brushes, canes			
Gilt and plated ware	\$0 20	\$0 35	} Included in two preced'g classes.
Cut glass	30	35	
China, earthen, stone ware, and crockery	20	35	
Manufactures of marble and alabaster	15	35	
Ale, beer, and porter, in bottles, galls.	15	20	1-3
Do. not in bottles do.	10	15	1-2
Alum, cwt.	2 00	3 00	1-2
Almonds, lb.	03	04	1-3
Bl'k glass bottles, gross	1 44	2 00	1-4
Boots, pair	1 50	2 00	1-3
Bristles, lb.	03	03	Free.
Playing cards, pack	30	35	1-6
Tarred cables, and cordage lb.	03	04	1-3
Untarred, ditto, twine and thread lb.	04	05	1-4
Candles, tallow do.	03	05	2-3
wax and sperm., do.	06	08	1-3
China Cassia do.	06	10	2-3
Cinnamon do.	25	33½	
Cloves do.	25	35	2-5
Cheese do.	09	09	
Chocolate do.	03	04	
Cocoa, do.	02	03	1-2
Coal, heaped bushel	05	05	
Copperas, cwt.	1 00	2 00	Double.
Copper rods, spikes, bolts, and nails, and composition, do. lb.	04	04	
Corks, do.	15 per ct.	15	
Coffee, do.	05	06	1-5 do.
Cotton do.	03	06	Double.
Currants, do.	03	04	1-3 do.
Figs, do.	03	04	1-3 do.
Fish, for'n caught, qntl.	\$1 00	1 00	
Mackerel, bbl.	1 50	1 50	
Salmon, do.	2 00	2 00	
All other pick'd fish, do.	1 00	1 00	
Window glass, 8 by 10, 100 sq. ft.	2 50	3 00	} 1-5 do.
Ditto, 10 by 12, do.	2 75	3 25	
over 10 by 12, do.	3 25	3 75	
Plain uncut flint glass, lb.	20 per ct.	10	
Glue, do.	05	10	Double.
Gunpowder, do.	08	10	1-4 do.
Hemp, cwt.	1 50	2 50	2-3 do.
Iron and steel wire not over No. 18, lb.	05	05	
over No. 18, do.	09	09	
Iron in bars and bolts, manufactured except by rolling, cwt.	75	1 25	2-3 p.ct.

H. OF R.

Revision of the Tariff.

APRIL, 1820.

STATEMENT—Continued.

ARTICLES.	Old tariff.	New tariff.	Rate of addition'l duty.
Iron in sheets, rods, and hoops, do.	\$2 54	\$3 00	1-5 do.
Iron in bars and bolts, manufactured by rolling, cwt.	1 50	2 00	1-3 do.
Anchors, do.	2 00	2 00	
Iron in pigs, do.	50	75	1-2 do.
Iron castings, do.	75	1 50	Double.
Spades & shovels, each	20 per ct.	25	
Slate and tiles for building, not over 12 inch square, per. 1000		2 00	
12 to 14 in. sq. do.		3 00	
14 to 16 do. do.		4 00	
16 to 18 do. do.		5 00	
18 to 20 do. do.		6 00	
Paper, folio, pot, quarto post, crown, &c., lb.	30 per ct.	20	
royal, imp., &c., do.		15	
printing, and cop- per plate, do.		12½	
other coarse do.		10	
Screws of wire, gross		8 to 20	
Ginger, rough, lb.	15=8-10	1, say 2	
ground, do.		04	
preserved, do.		10	
Silk, sewing, and silk & worsted twist lb.	15 per ct.	1 50	
Indigo, do.		15	
Lead in pigs & bars, do.	01	01	
sheets, do.	01	02	
shot of lead, do.	02	03	1-2 p. ct.
red and white, dry or in oil do.	03	04	
Mace, do.	\$1 00	1 25	1-4 do.
Molasses, gal.	05	10	Double.
Nails, of iron, lb.	04	05	1-4 p. ct.
Nutmegs, do.	60	75	1-4 do.
Pepper, do.	06	10	1-2 do.
Pimento, do.	08	08	1-3 do.
Plums and prunes, do.	03	04	1-3 do.
Raisins, in jars or boxes, lb.	03	04	1-3 do.
all other kinds, do.	02	03	1-2 do.
Salt, bushel of 56 lbs.	20	25	1-4 do.
Ochre, dry, lb.	01	01	
in oil, do.	01 1-2	01½	
Steel, cwt.	\$1 00	1 50	1-2
Cigars, 1000	250	5 00	Double.
Spirits, from grain, first proof, 42 cts.; 2d, 45; 3d, 46; 4th, 52; 5th, 60; over 5th, 75	same	same.	
From other materials, 1st, 38; 2d, 38; 3d, 42; 4th, 48; 5th, 57; over 5th, 70	same	same.	
Shoes & slip's, silk, pr.	30	50	1-3
leather, do.	25	50	Double.
for children, do.	15	25	2-3
Spikes of iron, lb.	03	04	1-3
Soap, lb.	03	04	1-3
Sugar, brown, do.	03	04	
white, clayed, and			

STATEMENT—Continued.

ARTICLES.	Old tariff.	New tariff.	Rate of addition'l duty.
powdered, do.	\$0 04	\$0 05	1-4
lump, do.	10	12½	
loaf, & sugar candy, do.	12	15	
Snuff, do.	12	45	
Tallow, do.	01	01	
Tea, from China, in American vessels, b- hea, lb.	12	25	Double.
Souchong & all other black teas, 34 lb.	25	25	
Hyson Skin, do.	27	25	
Imperial, Gunpowder, & Gomee, 68 lb.	50	50	
Hyson, and Young Hyson, 56 lb.	40	40	
Other green, 38 lb.	28	28	
Tobacco, m'nufactured, other than snuff and cigars, lb.	10	10	
Whiting, and Paris white lb.	01	01	
Wines, Burgundy, Madeira, Tokay, Champagne, and Rhenish, galls.	1 00		
Sherry and St. Lucar, galls.	60		
Lisbon, Oporto, and others, of Portugal, and Sicily, galls.	50		
Teneriffe, Fayal, and other West India isles, galls.	40		
all other kinds, galls.	15		
do. in bottles or cases	30 per ct.		
Russia duck, ps.	\$2 00	2 00	
Ravens do. do.	1 25	1 25	
Holland do. do.	2 50	2 50	
Spermaceti oil, of foreign fisheries, galls.	25	25	
Whale oil, do.	15	15	
Olive oil, in casks, do.	25	25	
Linseed oil, do.	15 per ct.	25	
	say 16cts.		
AD VALOREM.			
Blue vitriol. lb.		06	
Oil of vitriol. do.		05	
Nitric acid, do.		06	
Muriatic acid. do.		04	
Sugar of lead, do.		06	

The bill having been read through—

Mr. BALDWIN, of Pennsylvania, said:—In presenting this bill to the consideration of the House, it is proper that the views of the Committee of Manufactures should be fully explained. The task assigned to them has been one of no ordinary interest: the subjects on which it has been their duty to act may have an important bearing on the whole internal policy of this Government; and the measures recommended are such as, in their opinion, will essentially benefit the nation. In ma-

APRIL, 1820.

Revision of the Tariff.

H. OF R.

turing them, the committee have not (as the gentleman from Massachusetts, Mr. FULLER, seemed to think) considered themselves a private committee, acting on the private petitions of individuals, who sought support and encouragement from Government, at the expense of the nation. They have not examined the petitions or statements of manufacturers, with a view of ascertaining whether their establishments are productive or losing. Their interest has not been a leading motive in our minds: it was of little importance; and if this bill, either in its general principles or its details, cannot be supported on national principles, we are willing that it should fall, and that its fate shall be ours. We have thought that this nation can never be flourishing or independent, unless it can supply from its own resources its food, its clothing, and the means of defence; that, to be dependent on foreign nations for the articles essential for these purposes, is inconsistent with true policy; and that the system which has entailed on us this dependence, must be radically changed. In a matter which involved so many interests, we found many embarrassments—among not the least of them, those which arose from the duties assigned to the different committees of this House. The Committee of Manufactures was a new one; its powers and duties were undefined by any rule; the various subjects referred to them related as well to the revenue and commerce of the country, as its manufactures. It was our wish that each committee should act on its appropriate subjects, not to encroach on the jurisdiction of either. It was our first intention to have reported a bill which should have related only to the manufactures of the country. But the House will recollect that, at a very early period of the session, a resolution was passed, calling on the Secretary of the Treasury to report the effect on the revenue of a prohibition of wools, cottons, and iron; that his reply was, that an increase of duty on those articles would impair the revenue, and tend to introduce smuggling. This was a subject on which we knew the House was sensitive; a deficit in the receipts of this year of five millions, had been officially announced by the Treasury. The Committee of Ways and Means had reported no bill, had recommended no means of filling the Treasury, and, to our repeated calls, had answered that none would be adopted by them. You now find that the result of all their deliberations has ended in the bill on your table, authorizing a loan of four millions—two directly, and two from the Sinking Fund, to meet the ordinary expenses of the year. I did not approve of the resolution which had thus called on the Secretary of the Treasury to take a part in this great national controversy, and thought it not right in gentlemen to call in the influence of that department against a large portion of the nation, struggling against what they conceived to be the indifference of our own, and the efforts of foreign Governments. To have framed a bill confined to the sole object of promoting the manufactures of the nation, by imposing a high duty on those of others, the effect of which would have been still further to diminish a revenue already incompetent to our ordinary ex-

penses, would have thrown us in the way of the very difficulty which gentlemen had so early foreseen, so carefully provided against. The cry of revenue, the Treasury, and smuggling, would have effectually defeated all our projects. There was no other committee disposed to act in concert with us. Left thus alone—the Treasury report against an increase of duties; the Treasury itself empty; the Committee of Ways and Means unwilling to assist in filling it, and yet called upon by the petitions of thousands of individuals to do something to protect the industry of the nation—the committee had no alternative but to abandon, subject to certain destruction, the great interest confided to their care, or to go the extent of their jurisdiction, and report a system which, while it would not injure the commerce, should aid the revenue, and save the manufactures of our country. In recommending a general revision of the existing tariff, we are sensible of being exposed to the imputation of encroaching on the province of other committees; but, as they have declined or refused to act, I hope no objections on this score will come from them. From the House I anticipate none—confident in the hope that they will inquire, not so much from what committee this bill emanated, as whether its provisions will promote the general welfare. And if, in the opinion of the House, this measure is called for by the distresses of the country; if it will tend to their relief, and to restore the nation to its former prosperity; if it is essential that such encouragement should ever be given to national industry as will enable us to supply the articles of our own consumption, you have the authority of the Secretary of the Treasury for saying that this is the proper time. In his annual report on the finances, he tells you this in the most explicit language; he tells you, too, that your present revenue is insufficient—you must increase it, or diminish your expenditure.

This is a time of profound peace, when our expenses are those only of an ordinary Peace Establishment; no national calamity has befallen us; yet a loan is necessary for the present year, and a larger one will be required for the next. When a system of revenue has thus completely failed, and from the operation of plain and natural causes; when we cannot flatter ourselves that, in the present state of the world, it can become better, but are certain that it must become worse, it is time to look to our situation, and retrace our error. It is an unpleasant duty in any committee to be obliged to examine existing systems, and recommend a change, but it will be at once perceived that the nation which relies for the means of paying its expenses solely on imposts, must encourage the importation, and not the manufacture, of its article of consumption. Whilst this is its policy, its internal industry must be confined to articles of export, to pay for foreign fabrics which are imported. With importations, revenue must diminish; and this has been the reason why all attempts to promote our own manufactures have hitherto failed. Now the system must be changed; you must either make perpetual loans, or open new sources of revenue, by giving a new turn to the labor of the nation. At

all events, I beg gentlemen to consider that, to me, the danger to the Treasury is no answer to this bill: if it is empty, it is not my fault. Two short years since, I was in a proud minority of five that opposed the repeal of those taxes which, if continued, would have given you an abundant revenue. If, in their abolition, the encouragement of manufactures has been retarded, let no inconsistency be charged upon me; if the system has failed, it is not because it has not had its full and fair operation, but because it is inconsistent with the present situation of this country and Europe. You may resort to temporary expedients; but the people of this country will not consent to a continual accumulation of debt, in order to protract a system which can alone heal the general distress. What must be done should be done soon. The able and intelligent officer at the head of your finances tells you this is the time; and I tell you, that you may as well avoid the approaches of old age, or the stroke of death, as a change in your financial system. You must not wait till the voice of the people calls for it in language which you cannot resist, and when the revulsion will be so sudden as to shake to its foundation the system to which gentlemen now cling so eagerly. If this miserable system of impost, as the exclusive source of revenue, is necessary for the support of commerce; if the internal industry of the country is to be checked and protracted till public opinion demands the change, let gentlemen beware lest all parts of the system go together.

Those who now complain that the Committee of Manufactures, propose too much, will, when that day arrives, (and come it must,) regret the rejection of this bill, which proposes a change—gradual, but necessary for the prosperity of the country. In proposing it, the committee are aware that, from one side of the House, we shall be assailed with the cry of—you will ruin commerce; from the other, agriculture; and from all, smuggling and revenue. Intelling us that commerce supports the Government and furnishes its revenues, gentlemen must not deceive themselves in thinking that the people of this country do not know that the consumer of foreign goods, and not the foreigner or importer, pays the impost. The consumption of foreign produce, and not its importation, is the source of the revenue; a kind of taxation the more oppressive on the people, because, by employing the merchant or collector, the consumer pays, not only the amount of duties, but the accumulated profits of all the merchants through whose hands the article passes, from the customhouse to the consumer. If the committee are censured for speaking thus plainly of a system on which this Government has hitherto rested for its support, the House must recollect that, at its organization, impost was only one, not the exclusive source of revenue. As soon as the debts of the Revolution were assumed by the New Congress, a system of excise and internal taxation was resorted to, as a paramount means of paying the interest of the National Debt. During the administration of General WASHINGTON and his immediate successor, an excise on spirits, snuff, and snuff

mills, duties on refined sugar, licenses to retailers, carriages, auctions, and a stamp act and land tax, were imposed. Let it not be forgotten that, in the preamble to the act for laying an impost, the encouragement of domestic manufactures was one of the avowed objects of the law. This was the revenue system of the founders of our Government. We do not attack, but rest upon it; it is the only one on which this nation can rely for permanent protection in a time of European peace; we must recur to it, unless another great convulsion should again derange all the institutions of the civilized world. The policy of this Government was changed, not because it was found unwise, but because the continuance of the war in Europe rendered it unnecessary. Then other nations wanted our provisions; their price was such that the labor of this country was diverted from its natural course. Instead of making, we imported the articles of common consumption. The impost was found sufficient for all our wants. But, in the change of events, Europe can now feed herself, and can compete with us in other markets for our provisions. Those nations from whom we import the most, now refuse to receive our produce at any price. Thus there has been a radical change in those relations with other nations, which gave the turn to our national industry. A wise legislature will and must shape its internal policy to meet the changes which make a revision necessary. The present is not a forced, but the natural and settled state of this country. The events of the last thirty years have been unparalleled in history; we must not expect their recurrence, at least in our time. It requires no reasoning to prove that measures calculated on a general war in Europe, will not suit a general state of peace; they must and will be controlled by circumstances. We must look to facts, and profit by experience. Effects will flow from causes; they cannot be averted or avoided; we must meet them sooner or later. It is best not to attempt to conceal from ourselves or the nation the necessity of coming back to the original system on which this Government first commenced its operations. In proposing the measures which the committee have reported, we have thought it best to avow the intention to be such a change in our internal policy as will gradually lead the people of this country to be independent of any other for the essential articles of subsistence, and the means of defence. We well know it is a thankless, ungracious task. The manufacturers complain that too little, the merchants that every thing, and I well know that here it is thought that too much has been done. These measures have caused much excitement. This is not the time to expect that justice will be done to our motives. But the committee have this, and it is no small satisfaction, that, though they have not pleased others, they have pleased themselves. Their system has been matured with much pains, and with the most anxious desire to relieve alike all the suffering interests of the country. How far this bill is so calculated, the House will judge, from an examination and comparison with the existing tariff, which I will now explain, begging that gentlemen will not forget

APRIL, 1820.

Revision of the Tariff.

H. OF R.

one thing—that the present tariff was a revenue bill, reported by the Committee of Ways and Means, more to aid the Treasury than to protect the industry of the country. The report of Mr. Dallas was strongly in favor of domestic manufactures; yet, in that of the Committee of Ways and Means, it is remarkable that the word manufactures is not mentioned. I presume that the gentleman from South Carolina, who was then the chairman of that committee, had then the same opinion on this subject that he now entertains. When gentlemen complain of the extravagant protection that this bill affords to national industry, they are, perhaps, not aware that, in general, it exceeds but in a small degree that recommended, in 1816, from the Treasury, almost exclusively for revenue. They must not think it strange if a Committee of Manufactures, combining this with other great national objects, should have felt it their duty to propose some changes necessary to meet the calls of the country.

The bill proposes—

A duty of 12½ per cent. ad valorem on the articles enumerated in the first class, and 20 per cent. on all not enumerated, which embrace many manufactures, but which it was thought best not to particularize. In the present tariff, these were at 7½ and 15 per cent. The committee could discern no good reason for leaving them at this low rate of duty, and were abundantly convinced that, for the double purpose of revenue and manufactures, the proposed rates were proper. It would be going too much in detail to trace the various rates of ad valorem duties from 1739 to 1804. In that year they were permanently fixed at 12½, 15, and 20; with the addition of the Mediterranean Fund, they were 15, 17½, and 22½, and continued so during the most prosperous period of our commerce and revenue, till, in 1812, when the permanent duties were doubled, making 27½, 32½, and 42½. They continued so until 1815, after the peace, when the Mediterranean Fund ceased, and the duties remained till July, 1816, at the rates of 25, 30, and 40 per cent. ad valorem. Had they remained so, you would not have been assailed by general cries of distress from all parts of the nation; we should have enjoyed, not a nominal, but a real independence; our resources would not have been sent abroad to protect and reward the industry of others, to the ruin of our own merchants, manufacturers, and farmers. But it was thought proper to reduce the duties; and the fear of smuggling, it seems, is assigned as the reason. I am not enough acquainted with the mysteries of commerce to know what is the smuggling point.

Gentlemen may talk about it as they please; there is no evidence that our duties have ever been so high that there has been smuggling to any great extent. From 1804 to 1812 the lowest rate of duties was 12½ per cent.; we heard no complaints then; during the year 1815, and the first six months of 1816, the lowest duty was 25 per cent. The importation of ad valorem articles in 1815, amounted to eighty-six millions of dollars, and gentlemen are called on for the proof of smuggling. They must give reasons better than the

mere suggestion of this danger, against this small increase of duties; which is, in effect, only coming back to the old rates before the war. We are not to be deterred by threats of this kind; and, judging from experience, have no fears that an increase of duties, even to the war rates, would produce this effect; but if there was danger, it is no argument to us to be told that this Government is unable to enforce measures which are adopted as necessary to the general welfare. We are not so weak; our laws are not so insufficient; the rates proposed have been collected, and they can and will be collected if enacted. When the danger becomes realized, it will be time to apply the remedy. While it is merely fanciful, and, as I believe, held out to defeat the salutary provisions of this bill, I shall not deem it worthy of further notice. The next rate of duty is 25 per cent.; in the present tariff these articles are rated at 20, but in the bill reported by the Committee of Ways and Means they were recommended at 22. I hope it will not be thought extravagant that we propose an addition of three per cent. Articles of copper are at present at 25 per cent. One expression is changed, which will be found to apply to most of the ad valorem articles in this bill; in the old tariff it is "material of chief value;" this creates great difficulty at the custom-house, where an article is composed of materials paying a different rate of duty; it is generally entertained as made of that which pays lowest; thus defrauding the revenue and injuring the manufacturer. To avoid this, the committee have adopted the expression "component material," so that any article composed of mixed materials pays the duty of the highest. The House will observe that there is in this clause a drawback of the duties on sheet copper, used in building or repairing ships; in the present tariff "copper and brass in pigs, bars, or plates, suited to the sheathing of ships," is duty free. Under this clause all sheet brass and copper imported, for whatever purpose, is embraced, to the great injury of one class of manufactures, and the diminution of the revenue. While the committee are fully disposed to protect that most noble manufacture, a ship, they are unwilling that any other advantage should be taken of a provision intended solely for this purpose. It is believed that this object is fully answered by the proposed drawback. It has been submitted to intelligent and experienced merchants, and no objections have occurred. While on this subject, I must notice some publications in which the committee are charged with hostility to commerce and ship-building, in raising the duty on sheathing copper and sail duck. The best answer to the charge is, that it is not true; in fact this bill proposes no change on either; the duck is an important article of manufacture, for which we ought not to be dependent on any other nation, and which ought to be encouraged; yet the Committee were unwilling to interfere with it. We expect much abuse and have received no little; but let me give one word of advice to those inclined to bestow it so liberally; read before you write.

The next clause proposes a duty of thirty-three

H. of R.

Revision of the Tariff.

APRIL, 1820.

per cent. on woollens. In Mr. Dallas's tariff it was proposed at twenty-eight. On cottons, of thirty-three; the same as proposed by him. Both are now at twenty-five. These being among the most important items in the bill, the House must indulge me in going fully into the reasons which have induced the committee to propose the additional duty. It would seem almost unnecessary to convince this House, that the interest of the nation required that it should clothe itself; that it ought to feed itself, will not be denied; yet food is not more necessary than raiment; and I cannot see how any people can be independent who must look abroad for that. At all events, the committee have thought that, in bottoming this bill on this national principle, that we ought to feed, clothe, and be able to defend ourselves, we placed it on ground that could not easily be shaken. Our motives rise higher than the interest of manufacturers; whether they make or lose money now; whether it tends to enrich one or another, or all classes of society, has scarcely entered into our consideration. The nation must command its own consumption, its own means of defence. The last war found us destitute. I beg the House to remember what the gentleman from Kentucky told us the other day; that our gallant soldiers were destitute of clothing, until the Government connived at smuggling, to procure cloth from the nation with whom we were contending. National feeling, if not interest, should forbid the recurrence of such a scene; it shall not be charged on the Committee of Manufactures. If it was right in 1816 to impose a duty of twenty-five per cent. on woollens and cottons, principally with a view to revenue, there will be found a strong reason for its increase in the duties now imposed by the British Government, of six pence sterling on every pound of wool, and six per cent. *ad valorem* on cotton wool, imported after the 5th January, 1820. Wool has been an article of export from this country to England. The new duty excludes it; the ports are now shut against your provisions; they will not permit its importation till the price of wheat is ten shillings sterling a bushel. Let those who complain so much that the agricultural interest will suffer by this bill, reflect on these facts. Let the farmer decide whether it is most for his interest to purchase his clothing from the foreign manufacturer, who will purchase neither his wool nor his provisions; or the domestic one, who will give him a market for both, in his anxiety to guard against the profits which may accrue to his neighbors and countrymen, by the success of their manufactures. Let him be sure that he falls into better hands by trusting himself to the liberality of foreigners. It is feared that there will be a monopoly and a desire of speculation, if our own countrymen can supply our demands; yet there seems to be no fear that our course of policy should give that monopoly to the British manufacturers. Hundreds, thousands of our citizens, are out of employment; they would add infinitely to the national wealth, to our independence, and save its resources at home, if their labor was employed in converting our raw materials into fabrics for our own use.

But it is contended that our true policy is to employ the labor of other nations, pay them the profits of their manufactures, for the purpose of directing the industry of ours to productions which can find no market abroad, and have no value at home. These new duties imposed in England on wool and cotton, ought to awaken us to our situation; no part of the country ought to be more alive to their effects than that from which the opposition to this measure is the greatest. England does not wish to encourage the cotton of America. She gives you unequivocal indications of her policy. She will take it till her colonies can furnish her supplies. Though her best customer, though she now depend on us for the raw material to support her manufactures, she takes wool from the continent, cotton from us; but imposes heavy import duties, which are paid by us who consume the manufactured articles. We thus furnish her Government with revenue, her laborers with employment, while ours are idle.

I am afraid we are not aware of the bold and dangerous experiment we are trying. We are now to decide on the course of internal policy which shall best develop the resources, promote the industry, and secure the independence of the country. Is there not some danger of our erring, by adopting the system which best accords with the views of the British Government? If it were submitted to them to choose a set of measures for us which would best promote their interest, we well know it would be such as would secure to their merchants, manufacturers, and mechanics, the supply of all our articles of consumption and defence; to give to them the employment of the labor and the profits of converting the raw materials into fabrics for use. It is the source of their national greatness; the great object to which all their efforts are directed; their policy is most unyielding and unbending. It has existed for ages, and been completed by a steady and uniform series of legislation; they have not left things to "regulate themselves;" this has not been, it will not be, their maxim; but they wish to see it adopted by those who are to be the dupes of their policy. What is sound political economy there, is, it seems, here the raving of madness, the result of empiricism; yet it would excite some sensation in this House if the Ministers of England should formally present us with a plan for our adoption; we should, at least, inquire whether it was the result of their friendship to us, and whether it would not be as safe to trust to the opinion and advice of our own statesmen. To import only our raw materials and provisions, to be our exclusive merchants and carriers, was their colonial policy before the Revolution. The great men whose wisdom carried us through that struggle, did not then think that the system of internal policy which was best calculated to secure our independence and to coerce England to respect our rights, was to afford employment to her citizens, encouragement to her artificers, to the impoverishment of our own.

The immortal Congress of 1774, entered into an agreement not to export any produce to England, to import no goods from that country, to

APRIL, 1820.

Revision of the Tariff.

H. OF R.

consume none made there; and denounced, as enemies to American liberty, any person who would violate this agreement. It has never been charged on Bonaparte that he was deficient in foresight, or did not understand the mode of attacking his enemy. His continental system was not aimed at the influence or political power of England, but against her manufactures. That he knew to be the source of her power, and there he attacked her. To save them, England fought and subsidized all Europe. There has been a strange revolution in the moral world, if the connexion between causes and effects is now dissolved; if the measures which, in 1774, were necessary to secure, would now be destructive, of the great interests of this nation. We have been taught to look with veneration to that Congress; it is, indeed, a change, when we forget their maxims; and, in contending with the same nation, for the same rights, reject and spurn their principles as wild and ruinous, anxious to adopt those recommended by the Ministry and political economists of England. This is, at all events, a dangerous experiment; before we trust too much on it, we ought to be sure that the solid interests of the country, and not its destruction, is their governing principle. It will be said that more liberal ideas are now adopted by other nations; that the principles of political economy are now better understood. France has been mentioned; but when her tariff is examined, it will be found to be more rigid—to contain more prohibitions than that of England. As to us, it contains some provisions which, I think, cannot fail to alarm the agriculturists, the cotton planters of this country. It is worthy the attention of this House to look at their import duties on cotton wool:

From India, 30 f. per 100 kil., equal to \$3 per cwt.
 Other countries out of Europe, 40 f. per 100 kil., equal to \$4 per cwt.
 Entrepôts, 50 f. per 100 kil., equal to \$5 per cwt.
 Turkey, 15 f. per 100 kil., equal to \$1 50 per cwt.
 French colonies, 10 f. per 100 kil., equal to \$1 per cwt.

This short item contains much information and instruction. Their whole tariff breathes against your agriculture and commerce a spirit of hostility as unequivocal as any regulation of England; as to cotton more so; it is a duty of four dollars per 100 pounds; equal to 20 per cent. ad valorem, on the raw material, while England imposes only 6; that it is aimed at this country is evident from its being \$2 50 per 100 pounds, more than on cotton from Turkey, and one dollar more than from India. If it is a reason why the cotton of Turkey should be preferred on account of the profits of her trade, it cannot extend to India, to which they export little; but ought to bear lightly on us, as we are one of the best customers of France for her wines, brandy, silks, cotton, and small wares. She requires our cotton now, but this duty is an earnest of what you may expect from her when she can procure a supply from her colonies or other countries. She receives your tobacco, but takes care to exclude us from all chance of a competition in the market, by compelling a sale to the

Government, who buy at their own price. Rice, from India, pays one dollar per 100; from America, two dollars. Thus, we find the two nations with whom our intercourse is the greatest, pursue the same policy as to our great agricultural products, the only ones they receive from us: they are enriched by the manufacture of it—we purchase immense quantities of their cottons, and woollens, and silks; these favors produce no relaxation on their part. Our agriculture and manufactures are now prostrate, and commerce goes next. With England it is safe, not because it can regulate itself, but because it is regulated by a convention, to the observance of which the national faith is pledged. With France we have none. Your ships are now said to be virtually excluded from their ports. This part of your commerce is now to be protected by regulations—by a bill now on your table, laying a duty of eighteen dollars per ton on French shipping. This code, remember, is not the offspring of the age of benighted ignorance, prejudice, or exploded theories, or of the man against whom all Europe combined; but in 1817, by the Government which has been restored by a common struggle, existing in all the effulgence of the light which has been shed on the subject by their own and English writers on political economy, who are not regarded by the Governments where they live; whose books are for exportation, not for home consumption, and now for sale in your lobby, to enlighten you on the merits of this bill. It is a matter of much regret to me to find their opinions quoted with respect here, when they are disregarded where they are known. There is no country but this that studiously leaves her great concerns to regulate themselves. They are all guarded and preserved by regulations of the most rigorous kind. Yet it seems to be expected that, when our establishments are obliged to contend with those of other countries, the latter, aided by all the force and influence of public opinion and legislation, ours can succeed against this unequal competition, the neglect of Government and public prejudice. If the nations with whom we vie would adopt the same maxims, then the industry of the country would protect itself. All that is asked is to meet regulation by regulation, and thus make the competition fair and equal. Apply to their products the same rule that they apply to ours; if they tax our raw materials, tax their manufactures to the encouragement of ours; if they exclude our provisions, exclude their products; let our legislation keep pace with theirs; then our industry will be protected, foreign nations will be compelled to observe, practically, the rule which they discard from their code, but press into ours—"let things regulate themselves." I shall be satisfied with any course if it is uniform. No regulation, or regulation against regulation. If these views, or any of them, are correct, it will not be thought unreasonable that the committee have recommended an additional duty on cotton and woollens of eight per cent.; it is not so much a protecting as a countervailing duty, to counteract the new duties imposed in France and England on our cotton and wool.

Had these duties existed, or been known at the time of forming our present tariff, it is but reasonable to believe that the duty would have been higher. The proposed addition is certainly moderate, and consistent with every principle of national interest. The minimum has not been changed. It is proper here to remark that, by estimating all cotton goods to have cost 25 cents a yard, and assessing the duty on that sum, the coarser cottons of India have been excluded; and I beg the House not to lose sight of one fact, which is admitted by all to be true, that coarse domestic cottons are now made cheaper than they were ever imported. The remark is equally true of nails, and every other article of which this country commands the consumption. The domestic competition will have this effect on every article. This fact ought to quiet the fears of gentlemen who affect to think that the encouragement of domestic industry tends to take from the many a bounty, for the benefit of the few. Such has been the case in all other countries—those which exclude the importation of foreign fabrics, always undersell those who leave things to regulate themselves. The experience of nations, for ages, cannot deceive us; it is, at all events, not safe to adopt theories, and reject the lights of history and experience. Let us follow the course which has led other nations to greatness; it will be time to prefer theory to fact, to adopt the dreams of speculative writers, when we shall have discovered that the principles which make others rich, will impoverish us; that the path which conducts others to wealth and power, will lead us to poverty and colonial dependence. In a word, that if we sell more than we buy, if our income exceeds our expenditure, we are ruined. That, if the farmer buys his goods from those who buy his produce, and gives it a value at home which it has not abroad, he pays a bounty to the manufacturer.

It will be observed that this bill recommends an additional duty on cottons from beyond the Cape of Good Hope, of seven per cent. and of ten on silks. It was done for these reasons: that the countries whence these articles are imported consume none of our raw materials, afford no market for our produce, employ none of the labor, and exhaust the specie of the country. It is but fair that a preference should be given to the fabrics of those nations who receive from us something in return. There was an additional reason why the committee thought it best to make this discrimination. It is a matter of serious complaint that the duties imposed by the French Government on American tonnage have nearly destroyed our commerce with France. It is now said to be cheaper to send a cargo there in a French ship and pay freight, than in one of ours and pay none; the difference of the duties and charges is estimated at about three thousand five hundred dollars a voyage. This is another consequence of the peace in Europe; every nation is now desirous of reclaiming its own commerce, of carrying its own productions, and bringing back the articles it wants. We have had the carrying trade of the world; the protection of our flag was wanted;

now every flag protects itself; the commerce of other nations will be increased at the expense of ours. Regulations which are to produce this effect cannot be called hostile or unfriendly; they result from the desire which all Governments ought to feel of protecting their own interest; it is equally vain for us to expect our commerce to be what it has been, as that the nations of Europe will give ours a preference to their own; (these are maxims reserved for our adoption.) How to shape our course of legislation on this subject is a matter of extreme difficulty. Committees of the House have different plans; a system of commercial warfare is recommended, in the hope that France will relax in hers. We have thought it safest to make an appeal, not to her fears, but to her interest; to give her a peace offering by preferring hers to the fabrics of India, rather than to provoke by excluding her ships from our ports. As it affects merely the manufactures of the country, the latter would be the course to be pursued; for if, in the prosecution of this war of legislation, she should exclude our cotton, the raisers of it will join us in creating a market at home. In thus recommending the measure which is opposed to the interest of those for whose exclusive benefit the committee are said to be acting, we hope to avoid the imputation of hostility to commerce. The navigation acts on your table are bold measures, designed to compel the two most powerful nations of Europe to give up their favorite systems of commercial and colonial policy, not the expedients of yesterday or the moment, but settled, matured, and acted on for more than a century; which have entered into all their favorite plans of commercial and naval greatness. In such a contest there is much risk; if these measures produce the desired effect, I shall not be among the last to rejoice; but if they fail, if, instead of saving they destroy your commerce; if, instead of producing a relaxation, they only add rigor to the regulations they are intended to counteract, it shall not be charged on the Committee of Manufactures that it was a part of their system. Had these navigation acts emanated from us, I well know the clamor which would have been excited; as they have come from the Commercial Committee, they will be hailed by the mercantile interests as the means of restoring commerce, and I hope they may prove so; but, having a different opinion, fearful that this measure would recoil upon us, destroying what it was intended to save, we have inserted this feature in the bill. A duty of 25 per cent. is proposed on linen and a minus of 25 cents. The rate proposed by the Committee of Ways and Means in 1816, was 20; it was fixed at 15. This is one of the most important items of domestic consumption; flax, the raw material, raised in all parts of the country, is not an article of export to any extent; linen is one of the most favored manufactures of England, it pays no excise for home consumption; and the Government pays a custom-house bounty of 25 per cent. (on coarse fabrics) when exported. Woollens and plain cottons receive none; the duty on them, therefore, operates for the double purpose of reve-

APRIL, 1820.

Revision of the Tariff.

H. OF R.

nue and a preference of ours over the imported article. But, as to linen, the present duty only operates as a tax on our own consumption, being 10 per cent. less than the British export bounty; affording, contrary to all principles of a wise policy, a decided preference for a foreign manufacture. It is impossible to imagine any sound reason for leaving this most important article so wholly unprotected. In the present tariff, if the committee have erred, it is in not proposing a still higher rate of duty; on coarse linen it only equals the bounty; and then, so far as respects the competition with our fabrics, makes it duty free; on the finer, it has some small operation as a protecting duty. This increase of duty on linen has caused much complaint. The House will now judge with what reason this bill is called an extravagant one. The other objections, when examined, will be found to have no more foundation than this.

The next clause proposes a duty of 30 per cent. on silk from India, 20 from other places: it now pays 15. No good reason could be discovered for so low a rate; it is an article used mostly by the rich; there is less danger of smuggling than on most others; it is imported only in large and valuable ships, and, if from India, is allowed to be landed only in specified ports. A very intelligent merchant from Boston recommended a duty of 83 per cent. on all kinds, from every country alike: there will probably be no objection to the proposed increase. Raw silk is made duty free in this, though in the present tariff it paid the same duty as the manufactured. Printed books are at 35—the same as proposed by Mr. Dallas in 1816; they pay 15 at present. Paper and leather—the raw materials are now at 30; the manufactured article should be higher, as it gives employment to much of the labor and a market for many of the products of the country. If imported for colleges, &c., they are duty free; if for common sale, they are a most important article of consumption, and, like others, should be made at home; if for mere amusement or works of taste, they are fair subjects of revenue: none can better afford to pay taxes than men of leisure and wealth. If any gentleman thinks a discrimination ought to be made, so as to impose a lower rate of duty on works of science and literature, there will be no objection. The other items in this clause are generally at 35 per cent.—the same as recommended by Mr. Dallas—and in the present tariff are rated at 30. The House will thus perceive, that on articles paying an ad valorem duty, the proposed increase is generally from 5 to 10 per cent. If the only protection offered by this bill to the national industry consisted in the mere rate of duties, they will be found not to come up to what are generally called *protecting*, but would be justified for the mere purpose of *revenue*. The committee were sensible that if all the protection necessary was in the imposition of high duties, that the cry of extravagance and smuggling might defeat their measures. They have thought the object could be better accomplished by adding such provisions to the bill as would effectually secure the collection of the du-

ties imposed, and so to apportion them as to produce not only revenue by the consumption, but be in some measure a discrimination between the foreign and domestic manufacture. In this view we hope that all will concur.

The mode of ascertaining the value of goods on which a duty is to be assessed, has been attended with much difficulty—an almost constant war between the merchants and the officers of the customs, and has been often changed. The original mode of ascertaining the value “at the time and place of importation,” prescribed by the act of 1790, was the fairest and most equitable; as an ad valorem duty, it was in fact what it purported to be—so much per cent. on the value. But, as a different standard of valuation has long since been adopted, it was thought best not so much to alter as to modify it. The mode proposed in this bill has been pursued; but the Committee are not tenacious on this point. There is, however, one feature in this clause which is deemed of infinite importance to the manufacturing interests, and which the House must indulge me with explaining. It is the addition to the valuation of all drawbacks, bounties, premiums, and allowances, which are paid by foreign Governments on exportation, and assessing the ad valorem duty on the aggregate value thus ascertained. It is somewhat singular that our system of imports, which is avowedly for the double purpose of revenue and the protection of our own manufactures, should have overlooked this provision, which is indispensable for the latter. The House will at once perceive that, if the foreign export bounty equals our import duty on the same article, the duty is only a tax on the consumption of our own citizens; the foreign article comes into the market on the same terms as the domestic; this is fully exemplified in the article of linen. The British Government pay the exporter 25 per cent. bounty; ours, charging the importer 25 per cent. import duty, it thence becomes duty free. At the present duty of 15 per cent. the importer has a clear profit of 10 per cent. after paying our duty. This is certainly left-handed protection to manufactures. Hence it is, that, without inquiry into the cause, we are told you are unreasonable; no duties will satisfy you. The great reason why many of the present ones are incompetent is, that they are checked and rendered unavailing by this artful and masterly system of bounties and drawbacks. It is the true secret by which to account for the immense wealth and power of a nation whose population but little exceeds our own. She is too wise to trust to imports as the sole source of revenue—commands her own consumption, draws the chief support of her Government by an excise on her manufactures; they afford materials and open new sources of commerce; her system of bounties enables her to undersell other nations in their own ports, while her political economists mislead us by their speculative and ruinous theories. The article of linen fully illustrates her policy. Though her taxes and expenses are enormously oppressive on the people, yet the makers of linen pay none, no excise on their materials or manufacture; to encourage this

fabric, which unites the three great interests of agriculture, commerce, and manufactures, she wisely apportions the burdens of her Government so as to leave this unembarrassed. This accounts for the cheapness of the article at home, and, added to the enormous bounty on the export, gives the true reason for underselling us. Let the British abolish this system, let an article pay the same price for home consumption as for exportation, it will then be seen there is not much difference between manufacturing here and there. One article pays an enormous excise, another none; let them be equalized, and neither have an export bounty, in the aggregate it will be found that we could meet them in market, if not without any, with a small rate of protecting duty. Let cottons, woollens, and linens, pay the same excise as glass, beer, and spirits, and cost to the consumer in this country as much as they do in England, you would be called on for little further protection to our industry. The manufacture of these articles pays no part of the expenses of their Government, is burdened with no taxes, because they are the sources of their greatness, the machinery by which they draw to themselves the resources of all nations who purchase them; retaining us, their commercial, naval, and political rivals, in a state of colonial vassalage. It would be right and fair to aim at once at this system, by adding to the ad valorem a specific duty equal to the bounty paid, and drawback of excise allowed on the exportation. Then our duties might be called protecting ones, and be said to afford efficient protection to our manufactures; then the competition would be, on national and individual grounds, a fair one; but the committee, aware that this is the first attempt to introduce such a principle into our code, that it would not be prudent to attempt too much at once, only propose to consider the bounty and drawback as a part of the original cost on which the duty is to be assessed. To exemplify this—on linen a duty of 25 per cent. would only counteract the bounty; we recommend the addition of only one-fourth of that amount. It is not to introduce a war of legislation, but in some measure to counterveil the association of their system; increased duties will be imperative when they are evaded by increased bounties.

I hope these principles will meet the approbation of the House; if they do not, all our laws will be vain; we had better say at once to those who want protection, "let things regulate themselves." If it is proper to act at all, we must act efficiently; the interests of our country are assailed by an enemy deep in his designs, persevering in their execution, governed by a spirit ever awake and watchful, deterred by no opposition, subdued by no difficulties—the wisdom and the resources of a mighty empire directed to one great object, the supply of foreign nations with the articles of consumption. Great as she is, we can meet her in open war, can beat her on the land, the water, and in the Cabinet, but succumb in legislation; become the dupes of her policy, quietly indifferent to the exhaustion of our resources, which flow to her in one constant increasing current. Our dependence

on her almost daily increasing, she exulting in the successful operations of her policy, relieved from the expense of governing us, enjoying all the benefits we could afford her as colonies.

When other interests are endangered by foreign powers or regulation, you are not backward in resisting them at the risk of a war; if a ship or cargo is seized, a seaman, native or naturalized, impressed, or discriminating duties imposed on tonnage, you do not leave things to "regulate themselves;" every thing is protected, every thing defended, but manufactures—these alone are unworthy of national protection. Decrees and orders in council that embarrass commerce are not suffered to operate unmolested, but a system of bounties and drawbacks, destructive not only of interests equally important, but in their consequences involving all in one common destruction, are practically opposed only by the favorite maxim, leave us alone, let them regulate themselves. I hope we shall extend it to all, or be consistent and apply it to none. We are independent in name, have the powers of self-government, but tamely content ourselves with being dependent on our rival for articles of necessity and the means of defence. We cannot clothe or arm our soldiers, build or equip a navy, without procuring from England the means. National pride and honor ought to revolt at the degrading reflection. I hope to see the day when, in full command of our consumption and means of defence, our resources retained at home, our great interests safe from foreign competition, we shall be in fact, as well as in name, free and independent States. This consummation will not be brought about by folding our arms and leaving the industry of the country to regulate itself. It was not thus that, in the first Punic war, you emerged from colonial dependence; that, in the second, you successfully defended your dearest national rights. Before we can be what our resources enable us to attain, you must wage the third Punic war, not of arms, but of legislation; assail our rival where she is vulnerable, in the source of our greatest danger; her systems of bounties, drawbacks, and premiums, and in her manufactures, where the Congress of 1774 assailed her; go at least as far as self-defence will authorize—protect our own.

The bill proposes an additional duty on hemp of twenty dollars per ton; it was deemed necessary that, for an article of the first necessity, without which we could neither build nor equip a ship, we should not be dependent, as we now are, for the supply on foreign nations. In case of a war, all our naval preparations might be suspended until it could be produced here. It is so essential for national defence, that we must command enough for our own consumption. Viewed as an agricultural production, which was formerly raised in great quantities in the Western States, but which has been destroyed by foreign competition, or as a manufacture, it equally deserves protection; at a time when our provisions, excluded from foreign markets, do not command a price which pays the expense of cultivation, when the agriculture of the country is as depressed as its manufactures, it

APRIL, 1820.

Revision of the Tariff.

H. OF R.

needs at least so much protection as to enable it to compete with foreign productions. These reasons, it is hoped, will exempt the duty on this item from the charge of hostility to agriculture. This article now pays a duty of thirty dollars a ton, the wholesale price of which is two hundred and forty dollars, equal to twelve and a half per cent. *ad valorem*; the proposed increase will be twenty-one per cent. If considered as a manufactured article, essential for consumption and defence, it is hoped that the propriety of the increased duty will be apparent, as it can be raised to an amount far beyond the demand; the domestic competition will make the increased price on the imported article but temporary. The same apply to the additional duty on cotton, and the further one, which must meet with general assent, that, if the manufacturers of cotton supply the country with their fabrics, they ought to use our own raw material, and not import it from India. The cotton planters must not indulge in fancied security. In 1817, the foreign cotton imported and consumed in the United States was 1,700,000 pounds; in 1818, 4,000,000; in 1819, it amounted to 6,700,000; when they find it thus increasing, and France and England imposing high duties on its importation, they ought to be awakened to the necessity of at least securing the domestic market, not trusting entirely to the foreign. The day may not be very distant, when they will find from experience that their favorite maxim of "let us alone" will apply as little to agriculture as it now does practically to commerce.

I now come to two items on which the House will not only expect, but require me to say something—glass and iron; one infinitely interesting to the district, the other to the State I represent. It is best not to mince matters, but to speak plainly. This has been called a Pittsburg, a cut-glass bill, local, partial in its operations; and I have been charged with framing it from interested motives. Gentlemen had better be cautious how they use the word Pittsburg as a name of reproach; it may be, like the term *whig*—one of pride, and not of disgrace. I tell the House frankly, that I have not lost sight of the interest of Pittsburg, and would never perjure myself if I had; but the charges shall be met plainly, and if you are not convinced that the interests of that place are identified with the nation; that cut glass can be defended on national grounds, then I agree that Pittsburg, its Representative, its favorite manufacture, and the tariff, may go together. I will rest the whole bill on this item, and freely admit that the increase of duty on glass, plain, not cut, is among the greatest proposed. In selecting articles worthy of national protection, none are more eminently deserving of it than those, the raw materials of which are of no value for exportation; the conversion of which into articles for use, produces something out of nothing—turns into manufactures of the greatest value and beauty the worthless produce of the earth—furnishes a market for the productions of the farmer—gives employment not only to laboring men, but boys who would otherwise contract habits of idleness and vice. The foreign material bears to the manufactured article the proportion of

twenty-five cents to one hundred dollars; the rest is the product of our own soil: small quantities of ashes, and lead, the principal material—sand, which is fit for no other purpose, not even to make mortar—stone coal, the machinery. In the days of our prosperity we have made to the amount of a quarter of a million of dollars worth in a year. It was so much money extracted from the bowels of the earth by the labor of hundreds, adding to the wealth and comfort of all within the sphere of its action. Now we make, I may say, none. Will gentlemen tell me who has profited by the change—the farmer, the laborer, our country, or the foreign manufacturer? Plain glass now pays an impost duty of twenty per centum; it is proposed to raise it, and make it specific, ten cents a pound. In England the impost duty amounts to a prohibition; made there, it pays for home consumption an excise of £4 18s. sterling on the 100 weight—on exportation there is a drawback of the excise, and a custom bounty of one pound five shillings sterling, making in all six pound three shillings, equal to twenty-eight cents a pound between the price to the consumer in England and here. The custom-house bounty alone amounts to near six cents a pound; and from this document, taken from the custom-house in Boston, it appears that, in an invoice amounting to one hundred and twenty-nine pounds in value, the British bounty amounts to one hundred and twenty dollars, our import duty of twenty per cent. to one hundred and fourteen, leaving a clear profit of six dollars. With the addition of the excise drawback on an invoice of five hundred and fifty pounds sterling, the importer, after paying all export duties, freight, insurance, commission, and all charges, makes a clear profit of fifty-one pounds. Has not this article peculiar claims on us for protection? The present duty is a mere tax on the consumer; it operates as no discrimination between ours and the industry of other foreign nations, but leaves it to struggle against the effects of a positive premium on importation. The proposed increase will not, as a protecting duty, amount to more than twenty per cent. *ad valorem*; on cut glass it is only proposed to add five per cent.; the duty is now thirty. I am aware of objections to the duty on plain glass, and am sorry to find them come from manufacturers, glass cutters, not makers, but importers of plain glass, who are not satisfied with thirty per cent. on cut glass, and represent plain as a raw material, which ought to be duty free. In Pittsburg it is both made and cut, and the House will judge who is most actuated by national principles, which plan adds most to the sum of national wealth, industry, and resources. Gentlemen are mistaken in supposing mine an iron making—it is an iron buying, iron consuming district. The time has been when six thousand tons were purchased annually, not one of which was made in the district; but to the State of Pennsylvania it is of the utmost importance; it is her staple manufacture; to the nation the all essential article for private consumption and public defence. It ought to be less interesting to us, whether it requires protection, whether the establishments for its manufacture are declining or

prosperous, we can and must supply ourselves. Every part of the Union abounds with the raw material; it is perfectly worthless for all other purposes—not fit for roads. The working of it not only employs much of the labor, but furnishes a market for much of the produce of our soil. These good effects are not confined to a small space. An instance of this occurs in the fact that the iron works in the interior of our State are supplied with bacon from Kentucky. The remark is true of this, as of all other manufactures, that the farmer is among those who derive the most profit from their success. It is a matter of most perfect astonishment that so important an article should have been not only so perfectly and wantonly abandoned by the present tariff, but pointedly selected for reprobation by a strange policy, which, whilst it raised the duties on most other articles, reduced that on iron nearly one hundred per cent. From 1804 until 1815, it was at seventeen and an half per cent., and until 1816, at fifteen—a duty which might have been saved these interesting establishments, thus apparently destroyed by design. Pigs and castings, in 1816, paid fifteen per cent. ad valorem; bar iron nine dollars per ton, equal to, say nine per cent. ad valorem; in 1818, the duties were increased to fifty cents a hundred on pigs, seventy-five on castings and bar iron. In this House it was raised to twenty dollars a ton by a majority of forty-seven, but reduced in the Senate to fifteen. Had the duty been a proportionate one in 1816, a rate lower than the one now proposed would have been sufficient to have insured a domestic supply; but the reports of the Treasury present us with facts which call for immediate and efficient interference. In 1818, the importation of bar iron exceeded sixteen thousand tons; in 1819, it amounted to near twenty thousand. The decrease of ad valorem importations in this year has exceeded \$19,000,000, while the increase of bar iron has been near four thousand tons. Comparing it with cotton, there are many more national reasons for its protection: the materials of one can be exported, but the other cannot; we send out of the country near \$2,000,000 annually, for an article we could make at home, and out of materials perfectly worthless in themselves. The rate of duty is not unreasonable in itself, or disproportionate to other items in this bill or the old tariff. On the first of this month the wholesale price of it was, according to the New York and Philadelphia prices current, from one hundred to one hundred and ten dollars a ton. Calculating on the price at the place of importation, the fairest mode of fixing an ad valorem duty, it would be only twenty-five per cent., the same as on cottons and woollens now, and eight per cent. less than is proposed—five less than on leather and paper, in the present, and ten less than is proposed in this bill on the former. Considering it as an article abandoned in the former tariff—that what will restore the declining will not reanimate the dead—that, in the embarrassment and distress of the last year, the importations have rapidly increased, while others diminish, I confidently hope that, in affording to this a protection equal to other arti-

cles, no objection will or can be made by those who profess to be friendly to the system.

Iron is certainly an article of necessity, but not more so than clothing. It is called a raw material; we would as soon apply this term to a ball of cotton yarn or a piece of broad cloth. This word raw material is strangely misunderstood. The glass-cutter calls plain glass; the iron-founder pigs; the rope-maker hemp and flax; the copper-smith and brazier brass and copper in sheets and still bottoms, raw materials; while the makers of these articles call them manufactures, and petition for protection. I believe the safer rule is to consider that which is taken from the earth as the raw material, and every change in its form or value, by labor, as a manufacture, equally entitled to encouragement. It is certainly true policy to afford it to every thing which can be made at home, especially when the material can never become an article of export; the extent of the protection to be regulated by the amount of importation—the deficiency of revenue supplied by an excise on the manufacture protected. The increased duty on molasses has excited much opposition and some feeling of those who seem to consider it partial and oppressive. I must ask a candid review of the principle on which this bill has been framed, the situation in which the committee has been placed, and, with an assurance that no feelings of mine can be gratified by bearing hard on my native country, beg them to look at this item on national grounds. Pressed with petitions from every class of manufactures, praying for high duties on foreign articles which interfered with theirs; sensible that something ought to be done, yet beset with difficulties on all sides, unaided and alone, we were thrown on a forlorn hope. A partial, local system would have insured its own defeat; a general one might impair the revenue. To avoid that, to shape our course to meet the interests of a nation so widely extended as this, one might almost say twenty-two different nations, divided at least into great sections, some engaged almost exclusively in agriculture, some in commercial and manufacturing pursuits, and some in all, was attended with uncommon trouble. We are not disappointed in finding other motives attributed to us, but disclaimed, which are not founded on the general principles avowed by us. In proposing increased duties on the various articles in this bill, there seemed few, if any, on which so many reasons could be brought to bear. The article is bulky, cannot be smuggled, and aids the revenue. The transportation of it from the South employs as much shipping as from the West Indies. It cannot injure commerce; still less so, if you adopt the navigation act which stops the intercourse with the British islands. View it as a produce of the soil or a manufacture, it is as much entitled to protection as any other. This bill tends to essentially aid the manufactures of the Northern and Middle States; it is but fair that they should exchange them for the productions of the South; buy from their customers, their friends, and countrymen. As an article of domestic consumption,

APRIL, 1820.

Revision of the Tariff.

H. OF R.

it is not of much importance; to a family which consumes twenty gallons in a year, the increased duty is one dollar. The wages of the child employed in a factory put in operation by this bill, which would otherwise be idle, would pay it in two days. If distilled, and the spirits exported, there is a drawback of the duty; if for home consumption, the fairness of the duty is at once apparent.

The present duty on a gallon of the lowest proof rum is 42 cents; if distilled from molasses, it now pays $7\frac{1}{2}$; at the proposed rate, 15; there can be no rational reason for this great difference, when an article of consumption is made from a foreign material which can be produced at home. If the domestic product is encouraged, the spirit distilled is duty free. With these strong reasons, the committee could not overlook this article; my mind is not better satisfied with any one in the bill. We could not, with any justice to ourselves, recommend to the House a system which should not embrace, as far as practicable, the interest of all alike; it is in vain to expect the concurrence of such a body as this to any measure of partial operation. Take any one item in this bill, some part of the country will object to it, and if confined to one alone, there would be a majority against every one.

Gentlemen must look to the whole, and not confine their inquiries to what bears hard on sectional interest; extend them to the benefits derived; viewed in this light, the balance will not be found against the part of the country from which the opposition to this duty principally comes. An increased duty of five cents a bushel is proposed on salt; most of the reasons which apply to others will to this article, but there are some which do so exclusively; if it is at all sound policy to command the consumption of our articles of necessity, it is emphatically so of this, which can be made anywhere, and for which, in a cessation of commercial intercourse, a most enormous price is imposed. It is a manufacture, the raw material of which is the ocean, the principal machinery the fire; nature does the greatest part of the labor. It is an important item of revenue. The present price in the interior is from one dollar to one dollar and fifty cents per bushel; on the seacoast, say 70 cents; it is said that such a duty should be laid as may tend in some measure to equalize the cost to the consumer.* The duty on spirits is not altered; it is an important source of revenue, and cannot be spared; the present rate is high; the committee wished to have increased it to prohibition; but it was not in their province to submit an excuse to supply the deficit of revenue. We well know that to take, in one item, 2,500,000 dollars from an already exhausted treasury, would destroy the whole bill; yet I feel authorized to say that none would more cheerfully concur in the prohibition of foreign spirits, and an excise on domestic, than the Committee of

Manufactures. It may be proper here to observe, that that committee did not act on the items in the bill printed in italics, except brown sugar and molasses; this list was furnished to us, with a view to revenue, by a gentleman whose situation brought that subject under his consideration; for any other purpose we have no anxiety to retain them.

The fourth section allows a drawback of the duty on tin and copper when made up and exported; this is a new feature in our system, but deemed necessary for the double purpose of aiding the manufactures and commerce of the country. It would have been extended to other articles, but it was thought better not to make the bill too complicated, or to go too much into detail. The foundation once laid, it can be built on hereafter. The manufacture of these articles for the West India market, would be a source of employment to our labor, and profit to the employer, if enabled to compete with the same articles made and imported by others. With a duty of twenty per cent. our workmen would be excluded; with this drawback, they come in on equal terms. These articles present the commencement of a system which we must some day adopt, and which will make the foundation of our prosperity unshaken. It consists in imposing such an import duty as will secure us our home consumption; an excise on consumption, (for revenue;) on the exportation, a drawback of excise; thus making the manufacture of one article exemplify the policy and all the great objects of Government. The remainder of the bill, except the 9th and 10th sections, is copied from the present law; those sections have been inserted with the sole view of guarding against frauds which exist to a very great extent, and which, if not checked, will completely counteract principles of vital importance to the system we have recommended. Fears have been entertained that the 10th section will be injurious to the fair commerce of the country. It is not so intended, and can be so modified as to secure the objects of the committee, without injuring an interest equally worthy of national protection as the one I am advocating. If it cannot, I will consent to strike it out, for I am no enemy to commerce.* This is not the time to make professions; they will not be believed till the excitement occasioned by this and the other bills reported by the committee shall have subsided; when they are calmly examined, there will be found no evidence of a disposition to protect one at the expense of the other great interests of the nation: all are alike depressed, presenting equal claims on a government designed for the common benefit; struggling against foreign competition and regulations; all parts of the country require your protection. The committee, adopting the opinion of the Treasury, that this was the proper time to effect a change in our internal relations, have not, in recommending this measure, overlooked these interests. It makes ample provision for revenue; if the imports continue the same as in 1818, the increased duties add \$5,800,000. It

* The bounties on the fisheries were increased by an amendment to the bill, 25 per cent., on account of the increased duty on salt.

* This section was stricken out on the motion of Mr. B.

H. OF R.

Revision of the Tariff.

APRIL, 1820.

must be matter of conjecture, how far the diminished importation will equal or exceed the increased duties; if the system of imports is alone to be relied on, if you will resort to no other, it is your duty to make the most of it; not to attempt to support it by loans and taking the Sinking Fund, as proposed by the Committee of Ways and Means. If you will cling to it, I hope you will not reject this bill because it aids manufactures as well as revenue; that those who are so sensitive on the state of the Treasury, and object to this, will propose a better mode of apportioning the burdens on the consumer. Pass this bill, reduce the credits of the custom-house, impose a duty on auction sales—you want no loan; the cry of revenue will be hushed by an union of those who wish to fill the Treasury and protect our own industry. But we understand each other very well: revenue is one of the alarm bells to defeat this bill; those who raise it, well know, that for the present it makes ample provision, but that for the future a new system must be adopted; one which must combine the protection of the great interest which they oppose. As it is inevitable, it is better to come to it gradually; if postponed till the voice of the country makes an imperative call, do not blame us if the revulsion is sudden, and the shock violent.

In five short years your impost has diminished from thirty-six millions to sixteen, more than three millions of which is now in suit. Your expenditures are twenty-six millions in a state of peace. It requires no spirit of prophecy to tell that the income will not meet the expenses; you must resort to new means; to internal taxes, to excise. In using these words I will not be misunderstood: by internal taxes I mean not direct ones on land, but on auctions, pleasure carriages, watches, expensive furniture, &c.; in other words, those taxes on the rich and money-making classes of society, which were repealed two years ago, when a temporary overflowing of the Treasury induced you to abandon the original financial system of revenue, and trust alone to imposts. By excise I mean a tax on the domestic manufacture which is protected from foreign competition. Excise has been an odious term, but it will soon be understood and divested of its terrors. To the consumer it makes no difference whether he pays to the merchant two dollars impost on a pair of boots, or the same amount of excise to a shoemaker; to a farmer, whether he pays five dollars impost on his coat, or five dollars excise to the manufacturer. There is, indeed, one difference, and that contains the sum and substance of political economy—he can pay the manufacturer in wool and provisions. The merchant he must pay in money; he must remit it to England; she excludes our produce and raw materials. This illustrates the difference between impost and excise; the first turns the whole attention of the Government to encourage the importation of foreign productions, as the means of imposing a tax on the consumer. If the country commands its own consumption, importation and imposts cease; now every thing becomes subservient to revenue and to commerce, as the means

of transporting the instruments of taxation. Such a system necessarily checks, if not destroys, our internal industry. Domestic manufactures paying no tax, the encouragement of foreign, is the inevitable consequence.

Whether this system is beneficial to the nation, is no longer a matter of opinion, but of history. The late war totally destroyed the imposts; you were left without revenue; foreign importation ceasing, the manufactures of the country sprung up and flourished. Amid all the pressure and privations of the war, the people grew rich and were able to pay taxes to the amount of \$12,000,000 in one year. How much could they afford to pay now? The peace found the national resources untouched, the nation strong, and the people contented: while the war duties continued, there were no complaints; revenue was abundant: commerce flourished; manufactures prospered; farmers rolled in wealth; not a murmur was heard against taxes; even when you repealed them, there was but one solitary petition on your table praying for the measure. It was most strange, after this experience of the salutary effects of the then state of things, that there should have been a recurrence to the old system, which must be again abandoned on every fluctuation of our commerce and foreign relations, which can never be permanent, but is in its nature temporary; resulting from the chapter of accidents, relied on by no nation but ours, and by us found insufficient by experience. Even at this moment, when our opponents are so alarmed about it, we have made up our minds to vote for a loan after this bill should have been defeated, for fear it will impair this noble and beautiful system of impost. You will, before you adjourn, contradict your declaration, that the system is good, and the revenue sound, by a "be it enacted," and the legislative declarations of the three branches of Government pronounce that it is found wanting. This is no time for concealment; the House will not understand me as attempting to disguise my views on this subject. If national industry is ever to be protected; if we are ever to command our own consumption; the system of revenue must be changed; part impost, part excise. While you rely exclusively on the first, it is in vain to expect that sound measures of national policy can ever be adopted. A temporary check on foreign importation may, for a time, give a favorable turn to the labor of the nation; but, in their recurrence, our establishments must fall. Do nothing, or do something permanent and efficient, so that there may be some assurance that the national industry will not be exposed to abandonment by every varying motion of foreign policy. Restore a confidence now destroyed: bottom your revenue on the manufactures of the country; then both are placed on a foundation which combines the support of the Government with the best interests of the nation.

We are told that this bill will destroy commerce: this is not an unexpected alarm; it was raised when the last tariff was passed; it is equally loud when any measure is proposed which adds a cent or a dollar to a duty on importation. Joined with smuggling we shall always hear the cry repeated,

APRIL, 1820.

Revision of the Tariff.

H. OF R.

when any measure is proposed not tending to the exclusive benefit of that interest. I had indulged a hope, that, at this time, when the commerce of the country was as prostrate as our manufactures, when both are pressing us for protection from the same dangers, that its friends would have made common cause, and joined in a common struggle for self-preservation. The hope was not a sanguine one; commerce has been too long a pet, the spoiled child of Government, to think there are any other interests worth protecting. The mere creature of legislation, raised to importance by our laws and the expenditure of a great portion of our revenue for its support, commerce has presented herself as the Atlas which supports the Government, the country, and all its great interests; now, it seems, she cannot support herself. Yet, while approaching you in a suppliant posture, praying for a bankrupt law, to save her merchants, navigation acts, her shipping, she still retains the spirit, still thinks that all legislation must be for her benefit; boldly claiming the rights of primogeniture; loudly protesting that any thing done for the other children of the nation is her destruction. While this is commerce, "I am against it;" but if she claims equal protection, or even a double portion in her favor, I will go as far as any man in this House to support the fair trade of the country.

Important as I think manufactures, commerce is no less so; but I must be understood as not meaning that commerce which is confined to the export of raw materials and the import of manufactures for home consumption, which adds nothing to the labor and wealth of the nation; only draws from the consumer what he ought to retain at home—our resources to enrich other nations; but that commerce which, by the carrying trade, the export of foreign produce, and our own manufactures, draws wealth from others to us; equally promoting the great interests of the country. The friends of commerce may boast of its importance and profits, yet they well know that even to the merchant, the export of provisions, and import of goods for domestic consumption, has been a losing business. Examine their ledgers for the last thirty years; they will find it would have been cheaper to have bought bills than to remit produce. I well know that the export of produce down the Ohio has been unproductive; the first price has never come back to our country. The history of the country, the public documents on your table, prove the fact as to the seaports, that the only profitable commerce has been the carrying trade; the re-export, the drawback system, the same for which a permanent foundation has been laid in this bill.

It is admitted that the flourishing period of our commerce was from 1802 to 1812, the best years 1806 and 1807; it has been declining since the peace—1816 and 1817 very bad years; the worst was 1818; yet the average amount of exports for the first period was less than in 1818 by one million. There was this remarkable difference:

From 1802 to 1812 the average exports amounted to	\$69,171,000
Domestic produce, \$38,157,000; foreign	31,014,000
1818, whole amount of exports	70,142,000

Domestic prod.	\$50,976,000;	foreign	\$19,165,000
1806, net revenue	16,081,000;	drawb'ks	9,709,000
1807,	16,493,000;	"	9,995,000
1818, revenue rec'd	25,832,000;	drawb'ks	3,343,000
1816,	32,786,000;	"	4,830,000
1817,	22,082,000;	"	3,937,000

These facts present you with a history, and account for the rise and decline of commerce as well as manufactures; they require no comment, but afford much for reflection: they show the kind of commerce worth protecting, in which I will be behind no one at all hazards, even of a war. Left now only in the enjoyment of the export of our produce and the importation of articles for consumption, we are losing the carrying trade—not for the want of laws to protect it, but for this evident reason, that the commercial nations of Europe can be their own carriers, import directly from their own colonies; they are not to be diverted by navigation acts; other means must be adopted to restore our commerce and give employment to our shipping. We must do as all other nations have done—make ourselves carriers by creating materials for trade. None ever become so by being the consumers of the manufactures of others. In a settled state of things, commerce cannot exist without manufactures—the one is the basis and affords the materials of the other. While it is thought bad policy to supply ourselves, we cannot expect to supply others: it is in vain to hope for employment for our ships when we have nothing to export which will pay expenses; equally vain to place our faith in measures intended to coerce its employment by other nations, in opposition to their interest. Ships, commerce, and colonies, is their maxim. It would be ours in like circumstances.

The agricultural class of the country seem alarmed at this bill; with what reason it is certainly difficult to divine. Their situation is not more enviable than that of the other great interests. The ports of Europe and the British West Indies are closed against their provisions: some are actually imported for our own consumption. Havana has been a good market: the last accounts from that place represent the market completely glutted with provisions. Rice dull at five dollars; flour thirteen dollars, duties nine dollars; upwards of twenty thousand barrels had arrived there from ports in France, and from St. Andero, in Spain, and further supplies expected from the same quarter. Wheat in the interior thirty-seven and a half cents a bushel; flour at your farms three dollars, and four dollars in the seaports; excluded from foreign markets, you complain that we are about creating a domestic one.

Thus it is when the time has arrived in which all the great interests in the country, being equally prostrate, and one general scene of distress pervading all its parts, there was a reasonable hope of a union of sentiment, and a common effort to restore us to what we were. When the path we propose is consistent with the experience of all nations as well as our own, we are met on all sides with the chilling cry of—*Let us alone; leave us to regulate ourselves.* You have regulated yourselves till legislation is necessary to restore. Re-

H. OF R.

Revision of the Tariff.

APRIL, 1820.

member, if the revenue has failed, if commerce is without employment, and agriculture has no market, manufactures have not caused it. One would think, in hearing the various cries of danger from this source, that they were progressing with giant strides till their interest had become a Brobdignagian among the Lilliputs. It seems to be forgotten that it is writhing almost in the agonies of death; far from being able to injure others, it cannot save itself; and it is as low as its worst enemies could wish it. All have alike sunk beneath the effects of foreign policy, and your indifference: laid low alike, struggling side by side. The three great interests of the country are to be restored only by your interference; they call on you in sepulchral tones, equally to warn you of past errors and imploring for future aid. But, sir, listen to all alike; do not let revenue, crying for a loan, commerce for bankrupt and navigation acts, drown the voice of manufactures, asking for protection. Do not, after imparting your favors with a liberal hand to the others, reply to the calls of this great interest—"regulate yourselves." You will not say so to commerce: you will give her regulations, and enter on a legislative commercial war for her protection. But you will poorly answer to the nation for your partiality—that it is of no national importance who produces, raises, or makes our articles of consumption; that may regulate itself: it is alone worthy of our interference, who shall bring them here from foreign countries. That we will regulate.

We have been called on by the gentleman from South Carolina for the evidence on which the committee have acted. Of the description referred to in his resolution we have none; and I tell the gentleman plainly, that the Committee of Manufactures have not acted, and would not act, on the statement, or even the affidavits, of interested persons. Others may make motives for us—but we shall not avow what we disdain. I refer him, for the information on which we have acted, to the commercial codes of other countries—our own official documents from the Treasury; to the able reports of the Committee of Commerce, of the Secretary of the Treasury, and to one which deserves particular notice, from being presented by himself; the bill reported by the Committee of Ways and Means in 1816. I repeat it, that the profits of manufactures had not been our leading motive, but the public national interest; this nation must command its own consumption and the means of defence. The Treasury report tells us that the *ad valorem* imports of 1818, are \$58,000,000, our domestic exports only \$50,000,000. This must be changed; we must buy less than we sell. There is one domestic work on political economy, better than any imported; containing more sound political maxims than any I ever read. The almanacs of "Richard Saunders." He says, "if you keep taking out of the meal chest and put nothing in, it will become empty."

This is the state of the nation; an enormous flood of importation has swept before it the industry of the country; \$36,000,000 of imports a year have exhausted its resources; it is literally empty.

Look where you will you will find property depressed, produce declining, laborers seeking employment; nothing increasing but debts and suits, and forced sales. The sound of a hammer does not disturb you, unless the constable's, sheriff's, or auctioneer's. If the petitions on your table do not give you the true cause of this; if, when manufacturers and farmers are joining in their applications for the protection of national industry, you want other evidence of the general distress; let each member of this House say what is the situation of his own district. Many of them have seen manufactures flourish; did farmers then suffer? Has their practical operation ever been injurious to any portion of the country? We have tried the systems of supplying ourselves and depending on foreign nations; those who have seen the effects of both can best judge of the merits of this bill. But if you want other evidence of the cause of this universal distress, and to find out an effectual remedy, do not disregard the unanimous opinion of the Legislature of New York, expressed in instructions to her delegation here. This is the voice of 3,200,000 freemen. When a nation thus complains, we are not to inquire if women and children cry. Pennsylvania speaks in a still more decided tone; not of instruction or complaint, but of a *stop law* to prevent the sale of real and personal property in execution, unless it sells for two-thirds of its appraised value. It is time to reflect when such a State speaks in language like this. Five years ago she was the richest in the Union; her property was valued under your authority at 346 millions; New York at 273 millions; she has been and yet is a proud State; fertile in resources, strong in her institutions, she stood the shock of the Revolution, the consequent peace, the embargo, and the late war, unhurt. But she could not withstand the destruction of her manufactures, the prostration of her industry, the deluge of importation, your enormous imposts; she has yielded to the pressure of general distress, and, for the first time in her history, has been obliged to resort to a *stop law* to save the persons and property of her citizens. All must regret the necessity; the other States have not resorted to the same measure; they may have as much necessity. One county in Virginia, I see by the paper of to-day, has passed a stop law of its own, by refusing to appoint any officers to enforce the collection of debts. Sir, this state of thing affords abundant evidence of the necessity of your acting. You have tried the present system till all the interests of the country are alike destroyed. Give this one a fair trial; you can be no worse, unless you persevere in a policy which was founded on a state of things which no longer exists; which will increase the national distress in proportion to its continuance. Adopt a system founded on those plain practical principles which have been sanctioned by experience, and can never be destroyed by a storm, which will pass the country unhurt.

[Note.—The navigation acts have been passed; the West India, with one dissenting vote in the Senate—in the House, by a vote of ayes 94, noes 25; the French, without discussion, or even a division in either

APRIL, 1820.

Revision of the Tariff.

H. OF R.

House; there was no one heard in the House of Representatives. This furnishes a good practical commentary on the favorite maxim of "leave things alone"; it cannot be expected to pass without comment. No subject will better explain the actual policy of this Government in relation to their internal concerns. The French navigation act has been called for by the great body of merchants, who complain that the French tariff excludes entirely the employment of American shipping; to counteract this we have imposed a duty of eighteen dollars a ton on French vessels arriving after the 1st of July next. It is well to compare the discriminating duties of the two nations. Our tonnage duty is fifty cents light money, the same in all; one dollar a ton on foreign ships; the French is ninety cents; ten cents less than her ships pay here. The French duty most complained of is on the import of our produce; we impose an addition to the rates of duties of ten per cent. on all goods imported in foreign vessels of those nations who have no convention with us. France imposes on cotton a duty of four dollars a hundred imported in French ships, five dollars and fifty cents in foreign; if from an entrepot, five in French, five dollars and fifty cents in foreign vessels. Tobacco, in French ships, free; foreign, one dollar a hundred. To ascertain who is the aggressor in this contest, who first began this discrimination on tonnage and goods, whether it is in self-defence or from a spirit of monopoly, and on which side, may be some time worthy at least of examination. If the conduct of France had been unprovoked; if she first began this warfare, and we are on the defensive, and prefer retaliation to reduction, there are two modes of counteracting it; a tonnage duty which would exclude French shipping, or a duty on their manufactures, which would compel them to reduce theirs on our raw material. The first has been adopted; its operation is only in favor of the merchant; the second was rejected; it would have benefited the manufacturer and the farmer, and been of equal service to commerce. The heavy discriminating duty is on our produce, not tonnage. The principle of equal protection should have embraced all interests alike; it has been confined to the carrier, the producer, and the manufacturer has been overlooked. The rights of primogeniture have been successfully asserted, and unanimously sanctioned. Will France give way, or retaliate? In the latter event, let the agriculturist look to the exclusion of his produce; the shipping interest can only be reached through the products which give it employment; the cotton planters have unanimously opposed the protection of manufactures, and advocated the navigation acts; they have thrown their entire weight into the scale of commerce. The consumption of their cotton was unworthy of their notice. The carrying of it has induced them to join in a commercial war which may terminate against their interests. Mr. Gallatin states that we imported "60,000,000 of the produce of French industry, more than two-thirds the produce of modes and luxuries manufactured at Paris, and of Lyons' silks, exported from Havre, exclusive of wines, brandies, and dried fruits, and other articles of that nature." One would think that this fact would have assured to a statesman the point in which to attack France. Exclude her manufactures from our market, or impose a duty equal to hers. That, however, seems not to be consistent with the rules of political economists; it would give employment to our laborers, infuse life and new spirit into our manufacturers. A reduction of import duties would increase

the price of the raw material to the farmer, diminish it to the consumer of the manufacture; these are considerations which have excited no attention. The great national contest now is, whether the duties shall be the same, whether imported in French or American vessels. Let the cotton, tobacco, and rice planter, look out. The day may come when the sugar planter may find it would have been as well to have excluded the produce of the British islands as the carrying of it in British vessels.]

Mr. SMITH, of Maryland, rose, after Mr. BALDWIN concluded, and expressed his views of the tariff, in general opposition to those of Mr. B., as regards the merits of the system of revenue from imports, but without denying that some of the present duties might require to be increased. He did not however go far into the general question, having risen to move an amendment in the following clause:

"First. A duty of 12½ per centum ad valorem on all dying drugs, and materials for composing dyes, not subject to other rates of duty; gum arabic, gum senegal, saltpetre, jewelry, gold, silver, and other watches, and parts of watches; gold and silver lace, embroidery, and epaulets; precious stones, and pearls of all kind, set or not set; Bristol stones or paste work, and all articles composed wholly or chiefly of gold, silver, pearl, and precious stones; and laces, lace veils, lace shawls, or shades, of thread or silk."

The amendment was to strike out the word "twelve," in the first line, for the purpose of inserting in lieu thereof the word "seven."

Mr. CLAY, after paying a high compliment to the ability and substantial character of the speech of Mr. BALDWIN, said that, until an answer was to that speech at least attempted, he should abstain from engaging in the support of the general principles of the bill. At present, he only rose to say that it became the friends of the manufacturing system not to lend themselves with too much facility to alterations proposed in the system which has been reported by the Committee on Manufactures. That committee had, with a patience and industry never surpassed in this House, prepared and reported a general system. Its provisions were no doubt the result of much calculation; and, if the friends of the general features of it listened to every application which should be made to change this or that particular item, the effect would be, that they would lose the whole. Mr. C. then made some remarks against this particular motion.

The question was taken on Mr. SMITH's motion, and decided in the negative without a division.

Mr. SILSBEE next moved to amend the bill, by striking out the proviso, which is in the following words:

"Provided, That all cotton cloths, or cloths of which cotton is a component material, the cost of which at the place whence imported, with the addition of 20 per centum, if imported from the Cape of Good Hope, or from places beyond it; and 10 per centum if imported from any other place, shall be less than 25 cents per square yard, shall, with such addition, be taken and deemed to have cost 25 cents per square yard, and shall be charged with duty accordingly."

This motion was negatived—ayes 45.

H. of R.

Revision of the Tariff.

APRIL, 1820.

Mr. SMITH, of Maryland, then moved to strike out the following proviso of the bill :

" *Provided*, That all linen cloths, or cloths of which linen is a component material, from whatever place, the cost of which at the place whence imported, with the addition of 10 per centum, shall be less than 25 cents per square yard, shall, with such addition, be taken and deemed to have cost 25 cents per square yard, and shall be charged with duty accordingly."

Mr. SMITH said incidentally, (and he and other gentlemen repeated the suggestion afterwards,) that he made this motion, not from any expectation of succeeding in the proposition, for, from the intimation thrown out by the honorable Speaker, he perceived that the bill must be taken as it stands, and that it was in vain to propose any amendment.

After some observations from Mr. CLAY and Mr. BALDWIN against the motion, and Mr. SMITH and Mr. LOWNDES in favor of it—

The question was taken on Mr. SMITH's motion, and decided in the negative—ayes 48.

Mr. SILSBEE moved to amend the bill, so as to reduce the proposed duty on imported coffee from six to five cents per lb., and spoke in support of the motion. After some remarks from Mr. McLEAN, of Kentucky, against it—

This motion also was negatived.

Mr. MEIGS moved to increase the duty on iron castings from one dollar and a half to three dollars per hundred weight.

This motion also was negatived.

Mr. HOLMES moved to reduce the duty on iron bars and bolts, except iron manufactured by rolling, from the proposed amount of one dollar and twenty-five cents per cwt. to one dollar.

This motion was opposed by Mr. KINSEY, and was also negatived.

Mr. MEIGS moved to amend the bill, by inserting a duty on steam machinery imported, of three dollars per hundred weight.

This motion was also negatived.

Mr. KENDALL moved an amendment, the object of which was slightly to vary the duty on paper; which also was negatived.

Mr. SILSBEE moved to reduce the proposed duty on imported molasses, from ten to five cents per gallon.

This motion was opposed by Mr. CLAY, and supported by Mr. HOLMES, with much good humor on both sides. It was also supported by Mr. FOOT and Mr. WHITMAN, and opposed by Mr. BUTLER, of Louisiana. It was negatived by a large majority.

The Committee then rose, reported progress, and obtained leave to sit again.

SATURDAY, April 22.

Mr. PINCKNEY offered a joint resolution directing the Secretary of State to transmit one copy of the Journal of the Convention, which formed the Federal Constitution, to each of the members of that Convention, who are now living.

Mr. PINCKNEY's reason for offering this resolution was, that the surviving members of the Con-

vention no doubt desired to have copies of the Journal, but none were to be purchased; and he therefore thought it proper that they should be furnished from the copies printed for the public use.

The resolution was twice read, and ordered to be engrossed for a third reading, *nem. con.*

Mr. VAN RENSSELAER, from the Committee on Military Affairs, to which was referred the bill from the Senate, entitled "An act for the relief of Thomas Hunter," reported the same without amendment, and the bill was committed to a Committee of the Whole.

The bill from the Senate, entitled "An act to establish additional land offices in the State of Alabama," was recommitted to the Committee on the Public Lands.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to which was referred the bill from the Senate, entitled "An act to provide relief for sick and disabled seamen," reported the same with amendments, which were read, and, together with the bill, ordered to lie on the table.

Bills from the Senate, of the following titles, to wit: 1. An act for the relief of Thomas L. Ogden and others; 2. An act for the relief of Matthew McNair; 3. An act authorizing the building of a certain number of small vessels of war; 4. An act for the relief of Thomas Leiper; and, 5. An act confirming the proceedings of the inhabitants of the village of Cahokia, in the State of Illinois, in laying out a town on the commons of said village; were severally read twice and referred: the first and second to the Committee of Claims; the third to the Committee on Naval Affairs; the fourth to the Committee on Pensions and Revolutionary Claims; and the fifth to the Committee on the Public Lands.

The bill from the Senate, entitled "An act to increase the allowance to the judges of the orphans' court, in the counties of Washington and Alexandria," was read a third time, and passed.

An engrossed bill, entitled "An act authorizing the sale of thirteen sections of land lying within the land district of Canton, in the State of Ohio," was read the third time, and passed.

REVISION OF THE TARIFF.

The House then again resolved itself into a Committee of the Whole, on the bill to regulate the duties on imports and tonnage.

Mr. SAMPSON, of Massachusetts, moved to amend the bill by reducing the proposed duty of ten cents per gallon on molasses to seven cents; which motion was negatived by a large majority.

Mr. CLARK, of New York, moved to amend the bill by inserting a duty on butter, of nine cents per pound; which motion was agreed to.

Mr. HOLMES moved to reduce the proposed duty on imported salt from twenty-five to twenty cents per bushel.

This motion was supported at some length by the mover, and was opposed by Messrs. SMITH, of Maryland, and SAWYER, of North Carolina. Messrs. CLAY and McCOR made some incidental remarks,

APRIL, 1820.

Revision of the Tariff.

H. OF R.

the former adverse, the latter favorable to the motion.

The motion was negatived—ayes 56.

The bill was amended, on motion of Mr. BALDWIN, so as to provide for the use of such hydrometers, in determining the proof of spirits, as the President shall prescribe.

Mr. WENDOVER moved to amend the bill by adding to the duty on shoes of leather, silk, &c., on shoes or slippers of prunella, or other materials, a duty of forty-five cents per pair. This motion was agreed to.

Mr. STRONG, of New York, moved to increase the duty on spirits of the different proofs twenty cents per gallon; the bill proposes from thirty-eight to seventy cents per gallon, according to the proof.

Mr. SMITH, of Maryland, opposed the motion on the ground that it would amount to a prohibitory duty, which it was not proposed at present to adopt. The motion was negatived.

Mr. STRONG then moved an increase of ten cents per gallon; which motion was also negatived.

Mr. SILSBEE moved to reduce the proposed duty on hyson skin, souchong, and all other black teas, from twenty-five to twenty cents per pound.

Mr. SMITH, of Maryland, submitted a number of statements and facts to show that the existing discrimination in the duty on bohea and black teas permitted an evasion of the higher duty, and that the duty ought to be the same on all those teas, to prevent frauds, &c. He was in favor of Mr. SILSBEE's motion.

The motion was negatived—ayes 34.

Mr. WENDOVER moved to make a discriminating duty on these teas, by making the duty on hyson skin twenty-eight cents per pound; which was negatived.

Mr. SMITH, of Maryland, to prevent the frauds carried on under the words "and other green teas," moved to include "other green teas" with hyson and young hyson in a duty of forty cents per pound; which was agreed to.

The Committee then proceeded to fill up the blanks left in the bill for fixing the duty on wines; and, after a good deal of discussion, and the rejection of various other sums, the blanks were filled to read as follows:

"On Madeira, Burgundy, Champaign, Rhenish, and Tokay, \$1 per gallon; on Sherry and St. Lucar, 60 cents a gallon; on other wine, not enumerated, when imported in bottles or cases, 30 cents per gallon; on Lisbon, Oporto, and on other wines of Portugal, and those of Sicily, 50 cents a gallon; on Teneriffe, Fayal, and other wines of the Western Islands, 30 cents; on all other wines, when imported otherwise than in cases and bottles, 15 cents."

Mr. KENDALL moved to strike out the duty of five cents per pound on oil of vitriol, so as to leave the importation of it free, as heretofore; which was negatived.

Mr. WHITMAN moved so to amend the bill as to reduce the proposed duty on printed books from twenty-five to twenty per cent. ad valorem, and supported his motion at some length. The reduc-

tion was supported, also, by Mr. HARDIN, who was opposed to any duty on the importation of literature, and by Mr. LIVERMORE, and was opposed by Messrs. KINSEY, BALDWIN, and CLAY, on the ground, principally, that it was so far not a tax on literature, as foreign books were allowed by the bill to be imported duty free, for philosophical and literary societies, academies, colleges, &c., and that the proposed duty was necessary to protect the business of printing and publishing in this country. Mr. SERGEANT entered into the discussion on incidental points, and was in favor of the motion.

The motion was finally agreed to—ayes 69, noes 53.

Mr. WHITMAN next moved to amend the bill by reducing the duty on plain flint glass from ten cents to seven cents per pound, under a conviction, from information he had received, that the latter duty would be an ample protection of the domestic fabric.

Mr. BALDWIN opposed the motion, and entered into various statements and references to the British and other tariffs, &c., to show that the duty of ten per cent. was as low as, with a just regard to our own production of the article, could possibly be fixed, and to prevent the glass establishments of the country from being placed entirely at the mercy of the British manufacturer; arguing that it was a manufacture which, of all others, ought to be encouraged, inasmuch as it was the product of materials which were of no value for any other purpose.

The motion was negatived, without a division.

On motion of Mr. BUTLER, of Louisiana, the article of copper, manufactured into sugar boilers, was inserted among the articles entitled to drawback.

For the reason that he did not understand it, and that it might be dangerous, as far as he could foresee its operation, Mr. SMITH, of Maryland, moved to strike out the following clause of the 9th section of the bill:

"And that all goods, wares, and merchandise, which shall be imported in any ship or vessel from any foreign port or place, or which in her voyage shall have touched at any foreign port or place, shall, to all intents and purposes, be deemed and taken to be of foreign growth, produce, and manufacture."

The motion was supported by Messrs. SILSBEE and WHITMAN; and Mr. BALDWIN replied, that the clause was intended to guard against frauds on the revenue from Canada by the Lakes, &c.; but he was willing to meet any proper views on the subject, and, on a conference with the gentlemen opposed to it, had no doubt it might be framed to the general satisfaction, if the motion were withdrawn.

Mr. SMITH, for the present, consented to withdraw his motion.

The bill having been gone through—

Mr. TYLER, of Virginia, moved to strike out the first section of the bill, and was prepared now to go into the remarks which he intended to offer in opposition to the bill, if it were the pleasure of the Committee to listen to an argument on its general

H. OF R.

Revision of the Tariff.

APRIL, 1820.

merits; but, as the Committee had been engaged for several hours in a laborious and fatiguing consideration of its details, he moved that the Committee now rise.

The Committee then rose, reported progress, and obtained leave to sit again.

Mr. NEWTON, from the Committee of Commerce, presented to the House a mass of correspondence derived from the Executive department, between the Ministers of our Government and those of France and England, respecting our trade with the British American colonies, and the general intercourse between France and the United States; which was ordered to be printed.

MONDAY, April 24.

Mr. WENDOVER presented a memorial of the American Society of the city of New York for the encouragement of domestic manufactures, complaining of the system of credit given for the duties on the importation of foreign manufactures, and of free sales at auction; and praying that the bill now pending before Congress, regulating the payment of duties on merchandise imported; the bill imposing duties on certain sales at auction; on imports and tonnage, may be passed into laws, previous to the termination of the present session of Congress; which was committed to the Committee of the Whole, to which the said bills are committed.

Mr. SMITH, of Maryland, presented a petition of sundry inhabitants of the city of Baltimore, praying that measures may be adopted to prevent the citizens of the United States from engaging in the business of privateering, under the flags of the Governments of South America; and that certain ports in the United States may be designated, in which, only, the cruisers of those Governments may be permitted to enter, and that those lying on the waters of the Chesapeake Bay may be among those which may be prohibited; which petition was referred to the Committee on Foreign Affairs.

Mr. SLOAN presented a letter from George Jackson, of Zanesville, in the State of Ohio, charging Samuel Herrick, a member of this House from that State, with having improperly received money, for his services in procuring a pension for a certain Robert Cue, and enclosing the evidence of the said charge; which letter was ordered to lie on the table.

Mr. VAN RENSSLAER, from the Committee on Military Affairs, who were instructed to inquire into the expediency of reducing or suspending the expenditures on fortifications, made a report thereon; which was read, and ordered to lie on the table.

An engrossed "resolution for the distribution of certain copies of the Journal of the Convention which formed the Constitution," was read the third time, and passed.

On motion of Mr. LOWNDES,
Resolved, That the letter from the Secretary of the Navy, of the 7th April, 1820, with the documents which accompanied it, be referred to the Com-

mittee on Naval Affairs; and that they be instructed to inquire into the expediency of providing by law that no commander, or other officer in the naval service of the United States, shall receive on board his vessel any gold, silver, or jewels, without orders from the President of the United States, or the Navy Department; and that no officer, without such orders, shall transport, as a passenger, any person in the naval or military service of a foreign Government engaged in war; and the Committee of Naval Affairs are also instructed to inquire into the expediency of determining, by law, whether any compensation or freight shall be, in any case, permitted, for articles transported in vessels of the United States.

Mr. WOODBRIDGE submitted the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the line heretofore caused to be surveyed, marked, and designated, from the southern extreme of Lake Michigan, due east, in pursuance of the provisions of the act, entitled "An act to authorize the President of the United States to ascertain and designate certain boundaries," passed May 12, 1812, so far as the same extends due east from the western boundary line of the State of Ohio, be and remain the established boundary line between the said State of Ohio and the Territory of Michigan.

The resolution was read twice and referred to the Committee on the Public Lands.

A message from the Senate informed the House that the Senate have passed a bill from this House entitled an act for the relief of John Steel, with an amendment. And they have passed bills of the following titles: An act granting certain privileges to the Ocean Steamship Company of New York; an act for the relief of Richard Smyth; and an act to provide for the building an addition to the custom-house now erecting in the city of New Orleans, for the use of the district court of the United States for the State of Louisiana. In which amendment and bills, they request the concurrence of this House.

REVISION OF THE TARIFF.

The House then again resolved itself into a Committee of the Whole, on the bill to regulate the duties on imports.

A motion to strike out the first section of the bill (to reject it) being under consideration—

Mr. TYLER said, that he sincerely mingled his regrets with those which had been repeatedly expressed by others, that this all-important subject should be urged to a decision at this late period. The languor attendant on a long session rarely fails to produce a restlessness and impatience adverse to a full and free investigation. If we arrive, said he, to a precipitate conclusion, one adverse to the best interests of this nation, he meant not that any share of the responsibility should devolve on him. He considered that he had a high duty to discharge, and trusted the House would bear with him while he discharged it.

Some gentlemen have been pleased to consider the bill on the table a mere experiment. We

APRIL, 1820.

Revision of the Tariff.

H. OF R.

should be cautious, Mr. Chairman, how we adopt experiments of a vague and uncertain character; but more especially ought we to be so, when the two great branches of national industry, commerce and agriculture, are materially interested in that experiment. Shall we make an hasty experiment on our best interests? Shall we precipitately adopt a system from which the most serious and destructive results may arise? I repeat, that great deliberation and reflection are required of us. And, sir, what is the character of the experiment which is about to be made? One which is to give a new direction to the capital and labor of the country. The clamor which has been raised in support of what is called *national industry*, has this for its object and nothing else. This is the inevitable consequence of the bill on your table should you adopt it. Are the present manufacturers in the United States really entitled to your aid? Where is the proof of it? We have asked for the proof, and the chairman of the committee frankly acknowledged that he did not possess it. All classes labor, at this time, under serious embarrassments. The gentlemen from Pennsylvania (Mr. BALDWIN) has ascribed these embarrassments to the badness of our present system. Not so, said Mr. T., the causes are plain and obvious. The present extraordinary condition of the world, almost all Christendom being now at peace, is one of the great causes. The demand for the productions of our soil is diminished by the circumstance of the inhabitants of Europe being now permitted to pursue the walks of industry, uninterrupted by the turmoil of war. They are no longer dependent on us for those large supplies which they lately required. There is another cause equally operative, and it is to be found in that hot-bed banking system, which, like the present bill, when introduced, was made to promise us such potent blessings. I repeat, that all classes are greatly oppressed. For one, I wanted such information as would have enabled me fairly to contrast the condition of the manufacturing with the other interests of the country. I wanted to be informed whether that interest only suffered in the same ratio with the others, and whether its sufferings were produced by similar causes. In the absence of this information, I am left to conclude that it is now deemed expedient to hold out rewards for the purpose of giving a new direction to the capital and labor of the nation.

If gentlemen imagine that by this bill they are securing the permanent interests of the manufacturers; if they believe that this is all which will be required at the hands of the Legislature, they are most grossly deceived. This is but the incipient measure of a system. I venture to predict that, after the lapse of a very few years, we shall be assailed by as urgent petitions as those which have poured in on us at the present session.

What will be the effect of this measure? It proposes a rate of duties sufficiently high to enable our artists to undersell the foreign artist in the markets of this country. For a short time, it will have that effect, but it cannot long continue. It adds to the profits of those who at this time have

their capitals invested in manufactories; and while other classes will labor under severe pecuniary embarrassments, they will enjoy comparative prosperity. What will be the consequence? Why, sir, there is no principle in political economy more universally true, than that capital will flow into those employments from which it can derive the greatest profits. This bill, then, will have the effect of causing new investitures of capital. Thus a spirit of competition will have been generated, and in the course of a few years, the profits of these capitalists will have settled down to their present level. The supply will always, after a short time, suit itself to the demand, and, from being at first deficient, will often exceed it. Again: The advocates of this system have attempted too much. They have clasped in their embrace too many favorites to yield a permanent benefit to any one. There will exist an inequality of profits in the various branches of manufacturing industry; and this circumstance will aid greatly in producing the result which I have deduced. To simplify my argument, let me present to you a supposititious case: Take the case of the tailor and shoemaker. If the tailor makes a greater profit in his trade, then you will have more tailors than shoemakers; more labor will be employed by the one than the other. The shoemaker, in order to retain his laborers in his employment, will be forced to give higher wages; and the tailor, in order to counteract this effect, will find himself compelled to increase the wages of his laborers. And thus, the competition between them will urge them on to the imposition of high prices on their different fabrics. While the wages of labor are continually advancing, they will find their profits constantly diminishing, and their resort to high prices for their products will resemble the desperate effort of the gambler, whose hopes are all staked on the last throw of the dice. The consequence is inevitable. This bill secures them not. The foreign competitor again enters your market, and again will our ears be deafened with cries for relief.

If any thing more was wanting to satisfy us of the truth of these deductions, the case of the manufacturers of bar iron would be conclusive. The gentleman from New Jersey, (Mr. KINSEY,) the other day very candidly confessed that in 1816 he did believe that the duty then laid on that article would have been in all respects sufficient; but he then labored under a deception, and an additional duty is now proposed. How has this been produced? It may clearly be traced to the causes which have already been suggested. The manufacturer of bar iron had to go into a market for the purpose of procuring laborers, where he met with the farmer and merchant as his competitors. The competition operated disadvantageously to him, and he again presents himself to you for relief. In a country thickly populated, such effects would gradually and almost imperceptibly develop themselves. Where a surplus population exists, each branch of industry will be well supplied with laborers; the bidding is on the part of the laborer for employment, and not, as in a new

country, by the undertaker for the laborer. But where you have an extensive wilderness yet to settle, where, from the paucity of hands, the wages of labor must necessarily be high, where the laborer feels and knows the value which is set on him, as sure as man is man, the effects which I have anticipated will result. If, then, you intend to stop here, you only hold out a false lure; one promising permanent benefit, but, unless pressed to prohibition, resulting in ruin. I take it, then, for granted that no gentleman will vote for this measure who is not prepared to go on to prohibition.

Let us, then, look to the effects of such a measure. Remember the history of your banks, and you will have the picture of the effects to flow from prohibitions. By such a measure the other interests of the community are thrown prostrate at the feet of the manufacturers. The dread of competition from abroad will no longer afford a check to unreasonable demands. It would be idle to expect that they would be satisfied with moderate profits. Such is not in the nature of man, nor do I venture to utter a complaint against it. Immense fortunes will be realized before such further investment of capital shall take place as to destroy the monopoly. But, sir, such investments will in time take place; large investments will be invited; we shall then have become a manufacturing nation, and fabrics to a greater amount than will be required for home consumption will be produced. Again, then, you will have to resort to expedients. Let us not disguise the fact. By the time you have reached this stage, that class of society will be too numerous to supplicate. No, they will speak in the tone of dictation. They will tell you that, invited by the legislation of Congress, they have invested millions. They will tell you that the home market is overstocked with their fabrics; that their surplus products are rotting on their hands; and that ruin awaits them, unless you extend further protection. They will enter no foreign market without your aid, for there they will come in competition with the artisans of other nations. What, then, could you do? You would have to encourage the exportations by bounties. This is the inevitable effect; and what would be the effect of the premium? Sir, it operates beneficially to the foreign consumer, and injuriously to your own citizen. One of the objects of a bounty is to keep up the home price. If the manufacturers cannot afford to make a yard of cloth for less than five dollars, and the supply should be greater than the demand, it is obvious that the cloth would fall below that price, and, without the interposition of the Government, ruin would await him. If, in the foreign market, operated on either by the tariff of duties there existing, or other causes, his cloth would not sell at a profit, the Government finds itself compelled to interpose, and make up by its bounty the difference between the market price and that at which the manufacturer can afford to sell at a reasonable profit. Thus, then, we shall supply the foreign at a less price than the domestic consumer. Every other class pays then a tax for the support of this

class of citizens, for the bounty operates as a tax, and a heavy one often, on the citizens of the country. These demands, too, will be constantly undergoing a change, and will depend, not on yourselves, but on the regulations of foreign countries.

Thus, then, have we arrived at the land-end of this system. You have now reached the ultimate end of your journey. Let gentlemen now pause and reflect. If they shall have imagined it to be a voyage over an unruffled ocean, I tell them that they are deceived. In fitting out this new and favorite ship, do they forget that it is probable that those bottoms which have heretofore borne you on to happiness, advanced your wealth, afforded strength and security, are rotting and decaying on your hands? What becomes of agriculture? I contend that the first and inevitable effect of this bill is to reduce the value of land; to diminish the value of the capital of the farmer. Manufacturing labor and capital, or by far the greater portion, will be subducted from agriculture. Men will pursue their true interests, and you will have made it their interests to abandon their fields, and to invest their capital in manufacturing establishments. The advance of improvement will be in a great measure stopped. A portion of the soil will be thrown out of cultivation, and the result is obvious. This conclusion is drawn from principles so clear, that to press it further would be an unnecessary waste of time.

But, sir, what will be the effects while this transition of capital is taking place? It must be some time before society can accommodate itself to any sudden change. America is now the granary of the world; she supplies the wants of foreign nations as they arise. It is true that the foreign market at this moment is almost glutted; but shall we be denied the advantage of profiting by a change in that market? Do not all producers experience fluctuations in their markets? To-day, from the deficiency of the supply, high prices are obtained; to-morrow the market is better supplied, and a diminution in the value of the product takes place. These are calculations which all men must make, in whatever branch of industry they may be employed. Who can tell how long the causes which now operate to our injury may continue to exist? All human affairs are constantly undergoing a change; and even while I am now addressing you, new causes of disputes among the Powers of Europe may be unfolding themselves. The speck which is now scarcely discernible on the horizon, the next moment may swell into a cloud, dark and portentous. Will you not, by this system, deny to us all benefit from any change which may occur? Yes, sir, I contend that you will have done so. Society lives on exchanges; exchange constitutes the very soul of commerce. Under present circumstances the merchant purchases the products of the country, ships them abroad, and receives in exchange articles which the country furnishes to which he makes his shipment. But can you expect that foreign nations will buy of you for any length of time, unless you buy of them? You cannot be so visionary. But suppose they could, what would

APRIL, 1820.

Revision of the Tariff.

H. OF R.

you receive in return? Gold and silver, articles of no value, but as a medium of exchange. Attempts have been made by some nations to retain all the gold and silver that flowed in upon them. The attempt has been regarded as indicative of the highest folly. So would also be a system which should look to a constant importation of the precious metals. I repeat, that the great use of money is to serve as a medium of exchange among nations and among men; and, to suppose an extreme case, if we could go on until we obtained all the money in the world, we should still be like the miser or a beggar in the midst of it. You would then, by this cruel system, have diminished the value of the land, the capital of the farmer, and have shut him out almost entirely from all foreign markets.

But, Mr. Chairman, we are promised a home market for our products. Are gentlemen serious when they urge such arguments? Would you add by this bill to the number of consumers in the United States? I speak of the agricultural interest, as it now exists, before sufficient time shall have elapsed to enable the farmer to desert his field, and give a new direction to his labor. I ask, then, if your manufactures shall prosper; if you succeed, as you unquestionably will, in building up large manufacturing establishments, will you add to the number of consumers? Who will be found in them? Men who must be fed whether they are there or elsewhere—laborers. Will this be to furnish a new market? Take the case of large mercantile cities; they would furnish a parallel. By concentrating the population, you concentrate the number of purchasers, but you do not thereby increase their number. Whether your fifty merchants be in a city, or dispersed over the country, they do not lose their character of purchasers. They must, in either event, be fed. So too with the laborers employed in a manufactory. But look to the list of agricultural exports, and tell me how long it will take you to furnish a home market for them? They amounted last year, if I do not mistake, to something like \$50,000,000, and this was made up of the portion of product which remained after satisfying the home demand. The proposition, sir, is futile; nay, a perfect mockery. Nor are we to be deceived by the apparent regard which the Committee of Manufactures has evinced in our behalf. The chairman (Mr. BALDWIN) has been pleased to report a duty on cotton and tobacco, imported into this country. Did he really imagine that the members from Georgia and South Carolina were to be entrapped by the first, or the members from Virginia by the last? I feel assured that my honorable friend did not intend to practise a deception upon us. He would spurn, with indignation, any such resort. But I ask him seriously to say whether he thinks that the South requires this tax on cotton, or Virginia this tax on tobacco? Look at the list of annual exports of cotton, and tell me if the cotton planter here has any thing to fear from foreign competition? And is it not well known that the Virginia tobacco planter fears no competition on earth? No other tobacco comes into competition with it. France admits none

other than that raised in Virginia; and the anxiety of foreign purchasers to obtain our tobacco, is the best evidence of its decided superiority over the similar production of any other country. As well might the gentleman, if he had been legislating for Newcastle, to use a familiar illustration, have laid a high duty on coal thereinto imported.

But, sir, we must moreover be taxed, and highly taxed, to support this system. Do you require proof of the truth of this assertion? The bill on your table furnishes the evidence. Sir, I thank the gentleman from Pennsylvania for having addressed us in a plain and intelligible manner. Aware that the high duties imposed by the bill on the greater number of articles, would produce a deficit in the revenue, he has proposed to remedy this evil by exacting higher duties on articles of the first necessity. On sugar, coffee, molasses, and salt, a large revenue is proposed to be raised. Who will have to pay it? Inasmuch as the agricultural class is the most numerous, they will have to pay the greater portion of it. Sir, it operates as a direct tax on them.

You extort for a time from their necessities, but they cannot long bear the exaction, and if you do not experience a large deficiency of revenue this year, you will the next. Although these articles enter into the general consumption of the country, yet an increase of prices will have the effect of diminishing their consumption. The poorer classes will be forced to resort to cheap substitutes. It is not a time to be loading the country with additional burdens; it is already sufficiently oppressed. We should administer relief to the people, as far as practicable, by retrenching the expenses of the Government; and, sir, if the gentleman had looked over the whole report of the Committee of Ways and Means, he would have discovered that, so far from that committee deeming it necessary to resort to a system of internal revenue, strong reasons were urged by them against such a course. The gentleman has called the present system of revenue a rotten system. And how does he propose to get rid of it? By adopting a system of excises. And when does he propose to resort to that system? Dare you resort to it until you have reached prohibitions? Would it not do away the effect of high duties? The manufacturer would have to impose the amount of the excise on the price of his fabrics, and thus the effect of the duty would be completely neutralized. You can only adopt a system of direct and heavy taxation. And shall all other classes be taxed to uphold this favorite—manufacturers? When the gentleman talked of a rotten system, I had hoped that he would have given us something of a purer and more healthy character. However despicable it may be, I, for one, shall cling to it with the most persevering obstinacy. So far, under its influence, we have gone on prosperously and happily. The weight of government has not been felt by the citizen. He has been left, as far as possible, what God created him, a free agent. The revenue has been raised by his voluntary subscriptions, and, in its greatest extent, from his imaginary wants. The system, as it now exists, may be esteemed the le-

gitimate source of revenue for this Government. The States passed over to us this the most productive source of income, and retained only the right to resort to direct taxes. Although they conferred on this Government the power, under circumstances of urgent necessity, of taxing the same articles with themselves, yet the policy of the Government heretofore has been to avoid, in time of peace, a resort to the exercise of such a power. But the gentleman is exceedingly dissatisfied with this system, because of the fluctuation which takes place in the amount of the revenue; and what is his ultimatum? Excises. And are they less liable to fluctuation in amount? No, sir. When we shall have become a great manufacturing people; when we shall have attained this great desideratum, will not the state of foreign markets produce a similar condition of things with that which now exists? The amount of your bounties on exportation will be constantly fluctuating, and an increase of revenue during one year could not be relied on for the ensuing year. The gentleman has been pleased, also, to complain of the necessity which we are now under to resort to a loan of \$2,000,000. What is the fact in reference to this loan? It does not add to the debt of the nation. During this year, two-thirds of the Mississippi stock becomes redeemable. The bill from the committee authorizes the Secretary of the Treasury to accept subscriptions of that stock in satisfaction of the loan. If subscribed, that debt will be postponed for a limited time; and if not subscribed, a new debt will be created in its place, and it redeemed. So that it is obvious the engagements of the Government are not augmented, but merely postponed.

I think, then, Mr. Chairman, that I have rendered in some measure the effects which will flow from this bill manifest. It will diminish the value of our land; it will shut us out from the foreign market; it cannot substitute a home market, as is erroneously contended; and, finally, it subjects us to a heavy burden of taxation. Is it necessary that I should go on to show its effects on commerce? Agriculture and commerce are twin sisters. You cannot inflict a wound on the one without injuring the other. Our foreign trade, I have already attempted to show, would be greatly and most seriously curtailed. And, sir, when the gentleman excepts from duty copper used for sheathing of ships, he takes care to limit this application of that article by striking a destructive blow at the vessel itself. That noble spirit of enterprise which has heretofore been our chief boast, will be in a great measure destroyed, and your navigation will be confined to your own bays and creeks. Tell me not, then, of the embarrassments which now prevail in this land. Go on with this Chinese system; carry this strange fallacy into effect, and we shall present a contrast as striking, between our present and our then situation, as that which is exhibited in the case of a child who has lost his plaything, and of the man whose house is wrapt in flames, and the fruits of a long life of industry in a moment destroyed.

Man is never satisfied, from his cradle to his grave. When in his infancy, he sighs to attain

the years of manhood; and when old age overtakes him, he casts "a longing, lingering look" behind him, and weeps for the return of the days of his youth. So is it, too, with nations. Wisdom would admonish them of the folly attendant on their wishes; but, sir, they often press on with too much solicitude to the attainment of maturity, and thereby bring on themselves a premature old age. Shall we adopt this wicked and injurious course of policy? Have we any reason to be dissatisfied with our condition? Look to the past: a wilderness has been reclaimed; and, notwithstanding the difficulties and embarrassment attendant on our early history, we have now a fair and extensive garden spread before us, abounding in the choicest gifts of a bountiful Providence, and inhabited by upwards of ten millions of souls. Our march has been most rapid; but are we not still in our infancy? Does there exist any necessity for us to resort to artificial means to hasten our growth? Do we require the nostrums of gentlemen to secure our health? No, sir, I do still hope that we shall not resort to expedients which bloat the body politic, and, in the end, enervate and destroy.

To show the fallacy of such a course, let me imagine that a gentleman should rise in his place and propose to you forthwith to build up a navy equal to that of England, what would you think of him? And yet he might appeal to your national pride; he might point to the security which it would afford to the nation in the event of conflicts with foreign nations. But you would not hesitate to say to him, "Sir, be not so impatient; wait the process of time, and in its fulness, all your wishes will be accomplished." So, too, will I say to the advocates of the present bill—suffer things to take their own course, and the time will arrive when manufactures will flourish without the factitious aid of the Government. Natural causes will produce this result. Nature governs man by no principle more fixed than that which leads him to pursue his interest. When it shall correspond with the interest of this nation to become a manufacturing nation, such will it become. I will venture, however, the opinion that such will not be the case while we have a wilderness to people. What is the object of all labor; to obtain the means of sustaining life in comfort, and securing for one's posterity an independence? The gentleman from Pennsylvania (Mr. BALDWIN) has told us of the great importance of converting sand into glass and old rags into paper; of rendering that which is unproductive, productive. But can the labor of society be directed with greater benefit to the nation, to the world at large, or to the laborer, than in rendering the useless forest lands of this country productive and fertile? How much does this process add to the comforts and conveniences of civilized man! How extensive and how variously supplied a table does it not present! Regarded in a national point of view, no process can add more rapidly to the wealth of society; regarded as affecting the laborer and capitalist, the same result takes place. Ask yourselves if you are parents, if every principle of parental

APRIL, 1820.

Revision of the Tariff.

H. OF R.

love would not invite you to expend your surplus capital in an inheritance for your children, which war cannot destroy or fire consume? And yet this bill proposes a new direction to the capital and industry of your citizens. By holding out a *douceur* you are attempting to arrest this tide of things and turn it into a channel dug by yourselves. Again, I ask, why are we to do this? Can we hope, or could we wish, to advance more rapidly in the road of national wealth than we have done? Our population doubles in every twenty-five years, and our resources keep a proper pace with our population.

Sir, gentlemen may tell me what they please about their rotten manufactories; but I call upon them to compare the advance of our nation with that of any other that ever existed, under like circumstances, and to deduce, if they can, an unfavorable conclusion towards us. True, a cloud now rests over us, but it is one arising from causes plain and palpable. It would be unreasonable to expect that we should always experience sunshine. I tell the gentleman, then, that we want no change, and least of all the change that he would give us. To expose still further this fallacy, suffer me to ask you what would have been thought by intelligent men, if our early settlers at Jamestown, at Plymouth, and elsewhere, had adopted this system, and resolved to have erected manufactories among them? The attempt would have been esteemed prosperous and idle. And what is our situation in comparison to the old nations of Europe, taking into the estimate the undefined boundaries of this mighty empire? I will not occupy the time of the Committee by answering the question. All may draw the deduction.

But, sir, we must become independent of foreign nations. This is the basis of this theory; a theory which aims to subvert the ordinances of Heaven itself. I was near pronouncing it an impious theory.

Mr. Chairman, man is dependent on man and nation on nation. Nature has written this truth in characters that cannot be misunderstood. Over one portion of the globe the seasons are genial and mild, and the earth pours forth its most abundant productions; over another, Winter maintains its reign. One produces cotton and breadstuffs, while another is only inhabited by graziers. Would you, to render Massachusetts independent of South Carolina, undertake there the culture of cotton? Yet this might be done in hot-beds, and by holding out high rewards. Or would South Carolina be so blind to her interest as to abandon the culture of cotton, and attempt to rival Massachusetts in raising stock? It would be folly for her to do so, and yet it might possibly be accomplished. But, in neglecting to do so, she would proceed on the true principle that she could purchase much cheaper than she could raise. And yet we, the legislators of this great nation, proceed on a different principle, and assume it to be correct to manufacture articles which might be obtained on much better terms from abroad. But press this idea of national independence still further, and what are the consequences? Suppose every nation on the face of

the earth should adopt this notion, what would shortly become the condition of the world? The advance to literary attainment would be without a scaffolding to support it. Each, instead of drawing from a common stock, would have to rely alone on its own capacity. Those arts which improve and embellish life would gradually decay, and the world would relapse into another state of vandalism. But, sir, whatever may be the direction of your industry, this cannot be the case. The intercourse with foreign nations will be carried on to a certain extent, as I have before shown; and it remains to be inquired whether a manufacturing or an agricultural nation be, in truth, the most independent of others? I contend that the latter, in this point of view, has the decided advantage. A manufacturing nation is, in every sense of the word, dependent on others. Look to England! Cut off from the markets of the world, and misery and ruin await her. Threaten to close your ports against her, and she becomes forthwith alarmed. Close them, and a great portion of her population are thrown out of employment and reduced to beggary. How is it with an agricultural nation? Other nations are, in a great measure, dependent on it for food. They may dispense with your silks and gewgaws, but bread they must have. And when its foreign trade is destroyed, that very circumstance operates beneficially to the poorer classes, for they are then enabled to obtain the necessities of life in greater abundance, on much cheaper and much better terms. This imaginary good, then, cannot be obtained without warring with the fiat of Omnipotence itself, and, if obtained, would be productive of crying evils. Nor do you, in any manner, benefit a nation by converting it from an agricultural into a manufacturing nation.

The gentleman from Pennsylvania made a strong appeal to our honor; he said that that honor required us to meet France and England with their own weapons; whenever the honor of this nation shall be implicated, I trust I shall require no prompter to tell me my duty. But what grievance have we to complain of? Why, sir, we commenced the war by laying high duties on English fabrics, and what enormous offence has she been guilty of? Why, to counteract the effect of our duty, she has imposed a duty on our cotton. Is this any thing more than a measure of self-preservation? Have we any cause to quarrel with her for so doing? But the gentleman complains also of her bounties on her exports, and informed us that the bounty had the effect of enabling our merchants to sell some of her fabrics in this country at first cost. Now, sir, if the gentleman is disposed to go to war with England for this, I am not. And why should we make war on France through this bill? Why, because France lays a higher duty on our cotton than on the Turkey cotton? And why does she do so? The gentleman himself gave the reason; our cotton is indispensable to the French manufactures; not so with the Turkey cotton; the one yields a greater and more certain revenue than the other. The one may be taxed high for the purpose of revenue, whereas a high

tax on the other would keep it out of the market. She resorts to the duty then for a legitimate object, and we have no right to complain. But what does the gentleman propose as a remedy for this evil? Why, sir, he proposes an almost entire loss of the French markets. Will the cotton planters thank him for this manifestation of his friendship? No, sir, if that be his friendship, they will most ardently supplicate to be delivered from it. Sir, it is a friendship which, while it smiles in the face, strikes to the vitals; a friendship which, instead of upholding, prostrates in the dust; a friendship which bears the port and attitude of the most inveterate hostility.

On what then, Mr. Chairman, is this system founded? Gentlemen will pardon me for saying that it is based on narrow and contracted principles; it is founded on a desire to engross all wealth to ourselves, and to beggar others; it looks not abroad through the world of man, but confines itself to home, and even there it blights and destroys; it overlooks the plainest principles of political economy. For one, I should be pleased to see all the nations of the earth prosperous, and happy, and rich; for it would furnish to me the best evidence of the prosperity of my native land. Were you a merchant would you settle yourself in a rich or poor neighborhood? Sir, you would not be so blind as to locate yourself among persons who would not be able to purchase your goods. So with nations with whom we trade. Let us then not run after bubbles; let us learn contentment, and not deceive ourselves; let us then not rudely and heedlessly throw from us the rich blessings which Providence has bestowed upon us; let other nations press on, if they please, to that point when they will lose their agricultural, and assume a manufacturing character; so much the better for us; our market will thus be increased for the products of our soil, and wealth and happiness will await us.

I thank the Committee for their attention; and although I might urge many more considerations upon them, yet an anxiety to see the session terminate, and knowing that others have to follow me who will embrace in their different views all that is important to bring us to a correct conclusion, I shall add nothing more than the expression of an anxious desire that we may not now lay the cornerstone of this ruinous system of policy.

Mr. STORRS delivered a speech of about an hour's length, in reply.

Mr. GROSS said, that the proposition of the honorable gentleman from Virginia (Mr. TYLER) must have originated in a conviction, on his part, of the impolicy of the bill, considered in relation to the principles upon which it has been framed, and not in a mere dissatisfaction with its details. In the latter case, candor and patriotism would have concurred in pointing the honorable gentleman to a course very different from the one he had adopted. He would have proposed amendments rather than have submitted a motion to destroy the bill. What reasons does he offer to induce us to support his motion? I confess, said Mr. G., that I should think him in favor of the bill, did I take his remarks instead of his motion, as the test

of his sentiments. He acknowledges that the general pacification of Europe, and the consequent loss of a market for our agricultural productions, is the cause of the present distress. The honorable gentleman, sir, is perfectly right. We may talk about banks and extravagance as much as we please; but they are not the cause of our misfortunes. They are rather the evidences of our former prosperity. When every thing which our soil produced commanded a high price in the European markets, and when we were the carriers for all nations, we could afford to be extravagant. Industry, sir, simple industry, was sufficient to secure to every individual the necessities and conveniences of life. The mechanic found abundant employment; the planter and farmer enjoyed a ready market for their produce; and the merchant became wealthy. The case is altered now, sir. The mechanic is without business, the farmer finds no market, and the capitalist, instead of growing rich by the interest of his money, is forced to live upon the principal, unless he choose to fatten on the misfortunes of his neighbors. Can all this, sir, be the effect of luxury? Extravagance makes money change its owners, but does not banish it from a country, if that country be otherwise in a flourishing condition. We must abandon, it is true, our habits of show and parade, in order to accommodate ourselves to our present reduced condition; but if there be no market for the produce of our soil, and no demand for our labor, our efforts will barely enable us to subsist. To arrest the progress of this evil, and to prevent the enormous exportation of specie, it seems to me that we should furnish ourselves with those articles for which we have heretofore sent our money across the Atlantic.

But let us inquire, said Mr. G., what remedy the honorable gentleman proposes for the evils which oppress us. Why, sir, he seems to have discovered a "speck of war" in the European horizon, a little cloud, no bigger at present than a man's hand, but which he devoutly hopes and believes will increase and overshadow the whole eastern continent. Has it indeed, sir, come to this? Are we to confine ourselves exclusively to the cultivation of the soil, even when its produce will not procure us the refuse trash of Europe? Are we to wait in our present situation until a war in Europe shall work our deliverance? The hope of such an event is impious. But suppose it should actually happen, where is our security for its continuance? Must our prosperity forever depend on the misfortunes of Europe? Shall we be condemned to mourn whenever peace shall bless her shores? Where is the representative who is prepared to leave his country in such a state of vassalage and dependence? We have, sir, at a vast expense of blood and treasure, established and maintained our political independence; but if the present state of things be without remedy, or, if we have not spirit enough to adopt a plan of reform in our internal policy, we may as well renew our allegiance to the British Crown, and save the trouble and expense of governing ourselves.

The honorable gentleman, said Mr. G., seems to concur with the celebrated Dr. Smith, that we

APRIL, 1820.

Revision of the Tariff.

H. OF R.

ought not to accommodate our pursuits to our circumstances. What else can he mean by warning us not to change the direction of the national capital? The learned doctor informs his readers that "the tailor does not attempt to make his own shoes, but buys them of the shoemaker. The shoemaker does not attempt to make his own clothes, but employs the tailor. The farmer," he continues, "attempts to make neither the one nor the other, but employs those different artificers." And what is the reason which the doctor gives for all this? It is, according to him, because "all these find it for their interest to employ their whole industry in a way in which they have some advantage over their neighbors, and to purchase with a part of its produce, or, what is the same thing, with the price of a part of it, whatever else they may have occasion for." Will any one deny the correctness of these remarks? Yet, sir, if they be designed as an argument against the present bill, there are not more sophistical and jesuitical sentences in the English language. They are founded on the assumed fact that the tailor, the shoemaker, and the farmer, depend mutually on each other for the particular articles which their industry produces. But let us suppose, for a moment, that the farmer has no longer any "advantage over his neighbor," the tailor, by the cultivation of the soil. Let us take it for granted that he cannot dispose of his provisions; that the shoemaker is supplied from another quarter, and that the tailor supplies himself. Let us imagine, moreover, a very probable case, that, for the want of a market, he cannot purchase, with the price of a part of his produce, the shoes and coats of his neighbors; what shall he do under these circumstances? Shall he remain unclothed and unshod for fear of interfering with Dr. Smith's system of economy? Shall he prefer the cultivation of the soil, naked as he is, which can yield him no profit, to those mechanical arts which will, at least, secure him from the inclemency of the weather, and preserve him from debt?

The honorable gentleman, said Mr. G., informs us that manufactures are no more depressed than other classes of the community. True, sir; but shall we, for this reason, abandon the country to its fate? Yes, says the honorable gentleman, let every thing regulate itself, and manufactures will gradually be introduced from necessity. I am satisfied, said Mr. G., that they will be established, whether we pass this bill or not; for, by permitting things to take their natural course, whilst every other nation is intermeddling with commercial matters, we are reduced to the necessity of suspending almost entirely our foreign importations. We are compelled to provide a home market for our provisions and raw materials. For my part, sir, I am willing to aid the effects of our foolish policy, while they tend to work their own remedy. The good sense of the community is awake. A spirit of inquiry has gone forth, and the progress of public opinion in favor of a change of policy is not to be arrested; but, if the Government does nothing, years of suffering and embar-

rassment may pass away before the evil will be completely cured. Let us not permit the distresses of our fellow-citizens to be the sole cause of reformation; the skilful physician follows the indications of nature, and assists all its operations in throwing off the disease. Let us follow the example, and afford a seasonable encouragement to the manufacturing interest, which is now struggling between hope and despair.

But the honorable gentleman, said Mr. G., foresees an excise duty, if we pass this bill. After proving that such will be the result, I cannot see that he will have gained much ground. What has his own system produced? A deficit of five millions, and a yearly decrease of revenue. As to the revenue, the two systems are the same; but in regard to the internal prosperity of the country, the advantage is decidedly in favor of the new plan of economy. The old policy has ruined the revenue by impoverishing the people; the present bill proposes to exclude a portion of foreign commodities, in order to encourage the industry of our own citizens. Let us look back to the late war, and to the measures of Government at its close. At the commencement of the contest we experienced the evils of a want of manufacturing establishments in the most sensible manner; the capitalist began to turn his attention to the subject; but, before a supply could be furnished, the Government was compelled to submit to the disgrace of conniving at a violation of its own laws, and of countenancing smuggling, for the sake of clothing the army. The youth of our establishments, their small number, and the consequent want of competition, caused the high prices for which our manufacturers have been so often reproached. A few years would have remedied the evil. The lesson taught us at that time ought not so soon to have been forgotten. We ought to have learned that it was essential to our independence to be able, at all times, to furnish ourselves with many of the articles which we now import from abroad.

But, on the receipt of the news of peace, the country seemed mad with joy. Without reflecting on the altered situation of Europe, and not considering that our produce could no longer be disposed of in that quarter, Congress formed a tariff on the honorable gentleman's plan. They enacted a treasury tariff, a revenue tariff, without the least regard to the situation of the country. Need I mention the result? The low duties which were imposed brought upon the nation a perfect deluge of foreign articles. Our infant manufacturing establishments were prostrated; but the individual distress of their proprietors was unnoticed amidst the general joy at seeing the National Treasury filled to overflowing. What is the result? This system has operated like an exhilarating poison, which, at first, increased the animal powers, but finally sinks them to the grave. This system has been pursued to the present time. Will any one, at this day, call it a revenue system? It deserves a different title. We have purchased foreign commodities until the country is reduced to the utmost distress. We can purchase them no

H. OF R.

Revision of the Tariff.

APRIL, 1820.

longer. The revenue has declined, and will continue to decline. Even now we have a bill upon our tables to provide for a part of the Treasury deficit by a loan, and, for the balance, the Lord knows how; and yet the honorable gentleman warns us against a change of policy, for fear of affecting the revenue; that miserable remnant, I suppose he means, which our blessed revenue system has not destroyed. Can that policy be wise which renders war a blessing? I appeal to the recollection of every member of this House, if the last war, with all its taxes, pressed so heavily on the country as the present peace?

I believe, said Mr. G., that the honorable gentleman will find it difficult to prove, what he seems to have no hesitation in asserting, that this bill will lessen our exportations. What do England and France purchase of us at present, which they can possibly do without? If, therefore, we should encourage the industry of our citizens by manufacturing a portion of our own raw materials, it will by no means interfere with the sale of the remainder.

It is insisted by the honorable gentleman, said Mr. G., that this bill will induce capitalists to engage in manufacturing, and that the result will be a competition at home, which will reduce the prices of manufactured articles to a level with those of foreign nations. He even predicts that the time may come when the introduction of foreign commodities of a certain description will be prohibited. Does the honorable gentleman believe this? Does the House believe it? Sir, I should hail such an event as the era of the complete independence of this country. The example of England is continually presented to our view. We are told of her continual wars, of her immense debt, and of the starving condition of the lower class of her citizens. Sir, said Mr. G., I am not an advocate for the principles by which she has been governed. The honorable gentleman says that her vast population has compelled her to resort to the manufacturing system for their support; but I say, sir, that her manufacturing system has produced her vast population. By manufacturing for exportation, she has subjected herself to the same inconveniences to which we are liable, by not manufacturing at all. She has rendered herself dependent on a foreign market for the sale, not of the produce of her husbandmen, but of her mechanics. To preserve this foreign market, she has for a century kept Europe involved in war. She has oppressed Ireland, enslaved India, and cheated the rest of the world. The only difference between her and ourselves is, that we are dependent on foreign countries for the purchase, and she for the sale of manufactured articles. But is there no medium between being dependent on foreigners for the purchase or the sale of the necessities of life? Could we permit our industrious citizens to furnish a supply for home consumption, we should be dependent on neither the one nor the other. Must we of course manufacture for exportation, if we encourage the system at all? By no means. The effect of a judicious encouragement of the mechanical arts will be to retain in the country the cash

which is now paid to foreigners. Will this be nothing, sir? Is it nothing to prevent the annual exportation of thirty millions of specie? This bill will enable us, in peace and in war, to set at defiance the worst possible state of the European markets, and leave us free to profit by every change in our favor. I am not disposed, said Mr. G., to sound an alarm on every trifling occasion; but I cannot help believing that if we pursue our present course of policy, it will require no prophet to foretell the extensive ruin which awaits us. A moneyed aristocracy, the most odious of all the forms of tyranny, is making rapid strides to universal dominion. The late prosperity of our affairs, and the present state of our resources, have enabled the capitalist to reap an extensive harvest of gain.

I am well satisfied, said Mr. G., that there is a decided majority in the House who approve of the principles upon which this bill has been framed. They all acknowledge that our policy must be changed. It is, evident, however, that certain items of its detail are unsatisfactory to some of its friends. For myself, sir, I can assure the House that no private consideration shall induce me to vote against the passage of the bill. It has a national object in view, and individual considerations should be laid aside. We have heard much wrangling from a quarter whence it should have been least expected. The very people who are most interested in the passage of this bill, and whose demands for the encouragement of their peculiar industry have almost uniformly been complied with, are clamorous about a miserable tax of five cents the gallon on molasses. My immediate constituents, sir, are deeply interested in the proposed increase of duty on bar iron; but I am proud to believe that, should it be stricken out, I should forfeit their confidence by voting against the bill. I trust, sir, that the motion of the honorable gentleman from Virginia will be rejected.

The question was then taken on striking out the first section of the bill, and decided in the negative, 73 votes to 48.

The Committee of the Whole then took up the other bill referred to it, by the title of "A bill regulating the payment of duties on merchandise imported, and for other purposes."

[This bill provides, that, from and after a certain date, the duties laid on all goods, wares, and merchandise, imported into the United States, except dying drugs, and materials for composing dyes, gum arabic, gum senegal, and all other articles used solely for medicinal purposes, cassia, cinnamon, cloves, chocolate, cocoa, coffee, indigo, mace, molasses, nutmegs, pepper, pimento, salt, ochre, sugar, tea, shall be paid before a permit shall be granted for landing the same, unless entered for exportation or deposited in public store houses. On the excepted articles, duties not exceeding one hundred dollars in amount to be paid in cash; and, if exceeding that sum, shall be allowed a credit, on one half for three months, and on the other half for six months—except tea, the duties on which are to be payable, in equal payments, at three, six, and nine months.]

APRIL, 1820.

Revision of the Tariff.

H. OF R.

Mr. BALDWIN rose and addressed the Chair as follows :

In commencing its operations, our Government justly deemed it of great importance to give every facility to the commerce of our country. There was then peace in Europe. Commerce was principally in the hands of two nations, whose capital was so abundant that, in Holland, it was said not to be a bad business for a merchant, by his labors and the employment of his money, to realize 6 per cent. In England, an unequivocal evidence of the extent of unemployed capital was, that their 3 per cent. stocks were in the market at 93 per cent. It was no part of the policy of these nations to give aid to commerce by affording credits at the custom-houses, on the importation of goods—it was not necessary. In this country the case was different. The period which immediately succeeded the Revolution, was one of unexampled embarrassment, from which we were just recovering when the Government was organized. There was but little capital in the country. Its commerce was mostly carried on by foreigners, whose superior capital gave them great advantages in their competition with our citizens—it thus became necessary to divert trade from its accustomed channels, by every possible facility. Imposts were the principal source of revenue—merchants the agents to collect from the people. Credits for the duties were allowed them, not only to give time to collect from consumers, but as a means of increasing their capital, by retaining, and having the use of the money, until their bonds became due. In 1789, the credit allowed on goods from the West Indies, was four months; on Madeira wines, twelve months; on all other goods, six months. In 1790, a credit was given on teas from China, of twelve months. In 1795, the credit on goods from the West Indies was altered to three and six months; from Europe to eight, ten, and twelve months. In 1799, a general system was adopted; from the West Indies, half in three, half in six months; salt, nine months; wines, twelve months; from Europe, one-third each in eight, ten, and twelve months; other than from Europe, half in six and one-fourth, each in nine and twelve months; teas, as other goods, or, at the option of the importer, to be deposited, and bonds given at two years, and to be sold for the duties, if the bonds were not duly paid. In 1805, all importations from the eastern coast of America, north of the equator, were allowed the same credits as those from the West Indies. In 1818, the credit on such importations was extended to six and nine months; on those from other countries than Europe and the West Indies, (salt, wines, and teas excepted,) to eight, ten, and eighteen months, one-third being payable at each of these periods. No alteration has since been made, so that the credits now are:

On the duties on importations from the West Indies and north of the equator, (excepting Europe,) half in six and half in nine months.

From Europe, one-third in eight, one-third in ten, and one-third in twelve months.

From the East Indies, one-third in eight, one-third in ten, and one-third in eighteen months.

Of wines, twelve months.

Of salt, nine months.

Of teas, one-third in eight, one-third in ten, and one-third in twelve months; or, if deposited, twenty-four months.

While our commerce was struggling to compete with that of other nations, there were good reasons for allowing liberal credits on the duties; but, when the French revolution threw the commerce of the world into our hands; when the capital of foreigners was employed by our merchants, the use of it being amply compensated by the protection of our flag, there would seem to have been no very powerful reasons for taxing the consumers to create or enlarge the capital of merchants; for such is the immediate effect of custom-house credits. It is understood to be the custom of merchants to calculate their profits on the aggregate cost of goods, including charges and duties. The amount of duties is, in effect, a loan from the Government to the merchant, without interest, which becomes a part of his capital, and is as productive as the money he has actually remitted in payment for his goods. It would seem then to be as reasonable that he should furnish this, as that he should furnish the other portion of his capital. When the credit on the duties exceeds that allowed on sales to retailers, it affords to the importer the further advantage of the active use of the money which has been drawn from those who really pay the duties.

It would have seemed more consistent with general principles, if, in the infancy and during the hard struggle of our commerce, liberal credits had been given, and they had been gradually diminished, as there was less occasion for them. The reverse, however, has been our policy. Though, during the period of short credits, our commerce was constantly and rapidly increasing, and not content with a fair division with other nations, was attaining a monopoly, yet the credits were extended in proportion as the real necessity for them diminished. Even so late as 1818, when our East India merchants had acquired vast wealth, abundant capital, and were without foreign competition, their credits were in part extended to eighteen months—a longer period, I will venture to say, than they give their customers. The consequence of this system is, that, by selling at auction for cash, or on short credit, for notes which can be discounted at bank, the amount of duties thus loaned may be invested in a new voyage. Generally one, and often two adventures, may be completed before the duties on the first are due.

We have lately heard much of the favorite commercial maxim: "Let us alone, let trade regulate itself." The practical application of this maxim is developed by this custom-house system. Our legislation upon this subject has been uniformly progressive. Regulation has indeed followed regulation; but it has been to give additional facilities to commerce. The credits at the custom-house have been often altered; but in every case they have increased. Our statute book does not contain a solitary instance of a credit diminished. This system having been coeval with our Govern-

ment, followed up by a uniform series of acts for thirty years, is now viewed as the natural and established order of things; as a matter of right, not of favor. Extending the credit means, "let us alone;" to reduce it to the old terms is to destroy the commerce of the country. It is worth while to look at the practical illustration of this rule in the act of 1818, the last law on the subject, passed on the last day of the session. The East India credits were extended to eighteen months, in the last line of the last clause in the last section of a bill for the deposite of wines and spirits, and for other purposes. It might be well to inquire into the evidence on which this measure was reported. It is at least to be hoped that, from whatever other quarter it may come, the doctrine of "letting things regulate themselves" will not again be heard from those who owe so much to regulation.

In speaking thus plainly of these credits, I must not be understood as objecting so much to their expediency at the time of their adoption, as to their being continued and enlarged after the reasons for which they were granted have ceased, and when their effects have become injurious to all parts of the country. They were granted for the benefit of American commerce, and as facilities to American merchants; but they now operate to the destruction of the one and the impoverishment of the other. From a careful examination of the weekly abstracts of merchandise entered at the custom-house in New York, in the year 1819, it appears that there were entered 32,958 packages of dry goods, of which 24,659 were on foreign, and 8,299 only on American account. Thus, in the proud emporium of our commerce, where capital is abundant, and in vain seeking profitable employment, three-fourths of the importations appear to be on foreign account, the sales of which, for the most part, are by auction. This is no forced, but the plain and evident effect of obvious causes. The nations of Europe, to whom England allied herself, and whom she subsidized to destroy the continental system, having accomplished the object of putting down its author, retained or readopted the system itself. That nation, who fought the common battles of herself and other nations, and who paid them for fighting for themselves, now finds her manufactures mostly excluded from the Continent; her merchants and manufacturers seeking rather for some market than for a good one. Few nations will buy from them at all; none but this will furnish them with a capital without interest on a long credit. Other nations regulate this matter; they require prompt payment of duties, or deposite of goods. We leave things to regulate themselves, and allow foreigners to avail themselves of three-fourths of the benefits of our credits. Depressed at home for the want of a market as well as of capital, they eagerly look to us as affording both. During the wars in Europe they could not improve these facilities; but now they hold out inducements and offer temptations which will lead to a great increase, and a final monopoly of our trade in such hands. An ordinary trading voyage to England may be completed, the goods sold by means of auctions, notes discounted, and the

proceeds ready to be remitted back in four months. By the Liverpool packets much less time will suffice. But, allowing three operations in a year, I find that our custom-house credits on cottons and woollens will double the capital employed in the first year, and increase 135 per centum at the end of the second year. In this mode a loan, perpetual and increasing in a steady ratio, is made by our Government to the foreign merchant; who, while he thus obtains it without interest, is enabled to continue his operations; and, to avoid the notary he looks more to his credit than to his profits, and will continue his business though it may be a losing one. What to the American merchant would be a losing is to him a gainful trade. The American importer becomes a mere caterer to the foreign manufacturer. The orders sent out by him indicate the quantity, kind, and quality of goods required at our different ports. The manufacturer, thus advised of the demand, sends similar articles to the same market. If, after deducting charges, he can receive in New York the price at his manufactory, he has the usual profit and an increase to his capital by the custom-house credits. The American merchant pays the manufacturer his price in England, and must sell here at an advance, or decline business. It is therefore not a matter of surprise that so large a proportion of importations should be on foreign account, but rather that there should be any other.

This at once accounts for the cries of distress which assail us from the commercial cities, imploring us to abolish credits on imports, and impose heavy duties on auction sales. The operation of these two causes on all the great interests of the country, shows their intimate connexion, their mutual dependence. I hope all will unite in affording a remedy. It will be truly unexpected if gentlemen shall be found willing to have the revenue, commerce, and agriculture, abandoned to their fate, because the only measure which can save them will likewise benefit manufactures. The occasion is now fairly presented to the House. This bill has been called for from the seaports. It has been reported, published in the counting-rooms of merchants for three months, and not a solitary petition against it from individuals has been presented. Called for by all, and I may almost say opposed by no part of the country, necessary to correct existing, not fancied, evils; evils which are felt, and threaten to be greater in future, I cannot but feel some confidence that even the opponents of the tariff will be in favor of this bill. For the revenue it is almost indispensable, as well for security as for convenience. On the first of January of the present year the amount of revenue bonds actually in suit exceeded three millions of dollars. On the first of this month (April) it was considerably increased—say to \$3,120,000. On the first of January, 1819, it was only \$1,740,000.

That the increase of custom-house delinquencies has kept pace with the increase of importations on foreign account, is not only apparent from the nature of the case, but from this document,* which

*An official return of the amount in suit in the different ports in the United States.

APRIL, 1820.

Revision of the Tariff.

H. OF R.

in itself contains the most conclusive evidence of the fact. Salem, one of our proudest commercial towns, owns one-fourth of the East India shipping of the United States. The longest credits are on East India goods, and the security for the duties is most liable to be impaired by the casualties of trade. Salem has, probably, a greater amount of commerce, in proportion to its population, than any other town in the Union; but it is prosecuted on American account. The bonds in suit there, at the last returns, amounted only to \$4,366; in Boston, the amount was \$174,000; in New York, \$844,000; in Philadelphia, \$471,000; Baltimore, \$445,000; Norfolk, 251,000; Charleston, 210,000; Savannah, \$251,000. These are, as to revenue, the effects of a change of the imports of the country to foreigners. American merchants are idle; they offer to loan you their money at five per centum on a long loan. They are fixed in the country—their property and character are security for the payment of duties due from them. It is not so with the transient foreigner. His cargo gives him credit, and makes him a good man at the custom-house. One is surety for another. They sell their goods at auction, and go off and leave their bonds unpaid. The money is lost to the Treasury, but is taken from the pockets of our citizens. Thus, this credit system tends strongly to the exhaustion of our resources, to the oppression of our own, and the encouragement of foreign industry. When, in addition to these credits, the importations of foreigners are sold by auctioneers, and one man does the business of one hundred, we have only to calculate the effects on the merchant, the mechanic, all the inhabitants of a seaport, and the farmers of the surrounding country; one hundred houses, one hundred stores unoccupied; one hundred sets of clerks and servants unemployed; one hundred families less to feed and clothe, to pay general and local taxes, to contribute to the support of the Government, and the defence of the country. To this list, and to embrace all classes of society, I hope I may add the manufacturer, in whose favor import duties cease to be discriminating, the credit having the effect of a positive bounty on the importation of foreign fabrics. The credit, averaging twelve months, is equal to six per centum to the needy foreign manufacturer, who, in hope of better times, is willing to keep up his credit at any loss. The loan thus obtained, may be worth the whole amount of duties, the highest rate of which is but thirty per centum, say two and a half per cent. a month—a rate of interest not unheard of in times of commercial embarrassment, even in this country.

To guard against these general and increasing evils, and to combine, as much as possible, the protection of all the great interests of the country, the bill proposes to allow on drugs, dye stuffs, and what are generally called groceries, except wines and ardent spirits, a credit of three and six months; on teas, three, six, and nine months; manufactured articles to pay the duties on their arrival, or to be deposited in warehouses for six months, and then to be sold by auction, if the duties are not paid. Though all the petitions on the

subject (and the House will remark that most of them are from merchants,) prayed for an indiscriminate abolition of credits, the committee apprehended that this would cause a change in the commerce of the country, which, in its present depressed state, it could not bear. Strange as it may seem, and little as I well know they will be credited, even for the existence of the motive, the Committee of Manufactures did anxiously desire, and took great pains to shape this bill so as to answer all the common objects, and yet save the merchants from the ill effects of granting the entire prayer of their own petitions. Had we done that, we should have been justly exposed to the imputation of attending to only one, and not considering the other matters referred to us by the House. The West India trade was in the hands of American merchants, and did not operate injuriously to the principal manufactures; we did not intend to touch these credits, and, I think, by sound construction of the law, we do not. This requires explanation. In 1799, these credits were enlarged from four to three and six months. In 1805, the importations from countries north of the equator, on the eastern coast of America, and the islands adjacent, were allowed the same credit as importations from the West Indies; thus making two distinct descriptions of places or countries, the one not including the other. In the famous law of 1818, the credits on importations from north of the equator (using the same words as the law of 1805,) were extended to six and nine months. The construction given to this act at the custom-houses has been, that it extends to the West India credits. Believing this to be erroneous, and that neither the intention nor the words of the act will embrace the case, we feel satisfied that they remain as fixed in 1799. If we are mistaken, it at least shows the necessity of watching provisions of this kind, which have any important bearing on the revenue, and the impropriety of inserting them in laws, the title of which would not lead the House, on the last day of a session, to examine all its details. On the importation of goods imported from the East Indies, it has not been thought necessary to give a longer credit than on the same when imported in the West Indies; our views having a reference rather to the articles imported than to the place whence derived.

No good reasons presented themselves for giving facilities to importations from countries with which our trade was a losing one, and which afforded no market for our produce. It appears that, in the years 1817 and 1818, our exports to China alone amounted to \$7,240,000; of which \$5,600,000 were in specie, \$1,512,000 in foreign, and only \$74,896 in American produce. The exports of products to Asia were, American \$61,000, foreign \$511,000; amount of specie not known. In 1818 and 1819, the amount of specie exported to China exceeded \$7,000,000. Desirous not to bear too hard upon, and unwilling to encourage this trade, the credits were reduced to such a term that a new voyage could not be completed on the capital furnished by the duties on a former one. This was carried on mostly, if not wholly, by men of great wealth,

who could require no facilities except in regard to importation; and these, it is believed, are liberally provided for by the third section of this bill. But there were imperious reasons for abolishing the credits on manufactured goods, especially from Europe. The security of the revenue, the protection of American commerce and industry, seemed to concur in demanding such a change in the system, that the goods should not come into the market till the duties were paid. It was much wished to discriminate between importations on foreign and domestic account; but the objection seems to be insuperable against refusing to the foreigner a right to deposit on the same credits we were willing to allow to our own merchants. A refusal in the first case would have destroyed the little that remains to us of the carrying trade in Europe. France and England allow us to deposit all articles, even those which are not admitted to entry, until an eligible market can be found. They would refuse us what we denied to their subjects. In the other case, a refusal would violate our convention with England; for, though the rates of duty be nominally the same, yet the difference in time would make the difference in effect. I consider that convention so important and beneficial to the commerce of this country, that from interest alone we ought to observe it with the most scrupulous good faith, as a means of preserving our navigation. Without it you would be called on for protection, as you now are in relation to France. Though it is now not only presumptuous, but almost criminal, for Western men to interfere in the regulation of commerce, I beg those in that interest to reflect what would be the state of their trade with England if, as in the case of that with France, it had been left to "regulate itself?" I speak it with pride, it was not only regulated, but saved by Western men.

A very obvious defect in our present system of credits is, that it makes no difference between importations for home consumption and for re-exportation. In reducing the credit on some, and abolishing it on others, the committee foresaw that their plan would operate severely on that kind of commerce which they thought deserving of protection and every facility, unless a discrimination was made. The bill provides for that in a manner which will effectually repel every imputation of hostility to commerce. It leaves it to the option of the importer to avail himself of the present system of drawbacks, by giving his bond for the duties and taking the debenture on exportation; or to declare his intention at the time of entry, giving his bond with security, to export and not reland the goods; or, in lieu of such surety, to deposit them in a warehouse. [The time of exportation is left blank in the form of the bond.] No bond for the duties is required. It is only for his integrity, that the revenue may not be defrauded. He may deposit, and take three months within which to make his election whether to try the domestic or a foreign market, without making a declaration of his intention to export. The section in relation to deposits contains substantially the same provisions as are in the existing laws respecting the

deposit of teas—varied only so as best to connect the convenience of the merchant with the security of the revenue. On examining it, the House will perceive that, in the whole, it leaves the credits substantially as they were in 1790; that it is not so much an alteration as a restoration of the old system. The changes which have been made are indispensable.

The credit on manufactured goods tends so strongly to do away all discrimination in our present tariff, between imported and domestic articles, that efficient encouragement cannot be given without abolishing them. We have used our endeavors to do it in the manner least injurious to commerce.

It is not without much surprise that I have heard the various objections to this bill. Not that an alarm should have been raised about revenue, commerce, and smuggling; these are always expected, when any measure is proposed which tends to the benefit of manufactures. It is a matter of course to hear them. Local and personal reflections have been made on the committee who have reported it. Gentlemen seem to forget that a majority of that committee represent commercial places, and ought to be as much alive to their interest as those who represent districts which have no commerce, and who seem so much alarmed by the injury with which this bill threatens it. It is strange that merchants are not only easy on this subject, but desirous of its adoption; that it has been reported on their petitions, and by their immediate representatives. But it seems that they do not know their own interest; that their friends and new allies, in the fervor of their zeal and friendship, must take them under their guardianship. I think I can duly appreciate the reason. It is not because they are so friendly to commerce, but unfriendly to manufactures. This bill combines, with the other objects, the protection of this great interest, and hence arises their great hostility to it. I am not insensible of the impression made in the House by the powerful opposition it has met with, and that I am put on the defensive. You must allow me to answer the objections, to have it understood. The Committee are charged with attempting to destroy the settled system of commerce, which has been so long in operation, and under which this country has attained to its present greatness; and gentlemen speak of those long credits as coeval with the Government, when they well know they have been the work of later days. It is, at any rate, a singular objection that the Committee of Manufactures, in framing this bill, are charged with having consulted the interests of the wealthy merchants. This, from capitalists, is certainly unexpected. They must be hard to please, when their great opposition to this measure arises from its tendency to promote their interest. If this is true, it ought to please all. The small dealers do not complain; they are satisfied, nay, desirous of its adoption; chambers of commerce and East India merchants are its only opponents, and that because it does too much for them. They must excuse me, if I attribute their disposition to a much less disinterested motive. The craft is in

APRIL, 1820.

Revision of the Tariff.

H. OF R.

danger; the charm is about to be dispelled by which the people and Government of this country have been led to believe that foreign importations are the sources of revenue and wealth. The Treasury is empty, the people are impoverished; the cause is seen and felt to be the prostration of national industry, the encouragement of foreign.

This objection was not urged by the same gentleman a few days ago, when you made a total and complete change of the system for the sale of the public lands. It had been tried for twenty years, had never been changed or altered, and was attended with no inconvenience—not a cent had been or could be lost. You had profited by it—had, by forfeitures, made a clear profit of \$400,000. There was not a petition in favor of its abolition. But these were fancied evils; you apprehended danger; you thought a change would be useful, and, by almost an unanimous vote, have passed a law by which a poor man, desirous of securing to himself and family the means of support, must pay all cash for his title to eighty acres of land. Now we find the advocates of this measure so wonderfully attached to the system of impost and enormous credits, that they will not consent even to reduce them; and, while they affect so much fear for agriculture, commerce, and revenue, are willing to permit the foreign merchant to have his twelve and eighteen months credit on his cargo of half a million of manufactured goods, the poor farmer must pay cash for his land—the foreigner may not only have a credit on his goods without interest, but be allowed to double his capital by the loan thus obtained from our own citizens. You see by this system that one-fifth of your revenue is at this moment in suit. You know that the greatest portion of delinquencies is by foreigners; that much of it will be lost; that the duties are taken from the pockets of the consumer, which do not and never will go into the public Treasury, but to foreign countries; that this evil is increasing most rapidly; that the amount in suit has doubled in the last year, and is at this moment greater than ever. You must borrow money to make up the deficiency thus caused, and yet listen to the cry of “you will destroy the revenue”—you are attacking ancient and venerable systems. Trace these credits through your laws, and you will find that this bill is, in substance, coming back to the old system of 1790—that it only does away innovations of later years. Much is said about the small losses in the revenue for thirty years; this only proves that the bonds of our merchants are good; but will any one say that their bond is better or safer than their money? But, though the bonds of the American merchant are safe, you have here official evidence that those of foreigners are not. Suits increase with foreign importations, and you must not be surprised if the losses of the last two years are more than all the preceding ones. Fancied evils made you take away the credit on the public lands, but realized ones do not induce you to reduce them on importations. Commerce is, it seems, in danger—yet it is well known that these credits have been the means of

throwing it into the hands of foreigners. Ask the American merchant if this bill will injure him—the merchant, the house owner of the seaport, who suffers by long credits and auction sales. Let the rate of rents, the price of labor, the unemployed houses, stores, clerks, laborers, and shipping, answer. We have been told that, if foreign importations do not give employment to labor, value to property, and markets for provisions and materials here, they do in some other countries. Here I understand the gentleman who has made this remark, and thus points out the difference between his principles and mine. I do not profess those broad and comprehensive principles of philanthropy which enable me to look unmoved at the general distress which pervades our whole country, and find consolation in the reflection that, though our policy destroys the industry and prospects of our own, it encourages that of other nations. We are sent here to legislate for our own citizens; their interests should be our peculiar care—let others take care of themselves; their legislators do not leave things to regulate themselves. When they are called on for protection to any of their great interests, other Governments do not say, if you have no employment here, if your manufactures are abandoned, your seaports depopulated, your farmers without markets, and your revenue in suit—it is better somewhere else. No member of this House can be ignorant of the fact, that our commerce is rapidly declining, and by means of these credits; the friends of the mercantile interest are certainly liberal in the extreme in insisting on their continuance, when not a nation in the civilized world gives a credit but ours. Is it sound policy thus to impart to others benefits ruinous to ourselves, when there is no reciprocity?

It has been said that other Governments encourage importations, and that this bill contains less liberal principles than their codes. The commercial experience of the gentleman has taught him better; he must think us strangely ignorant of their regulations, not to know the total incorrectness of the remark. He knows it, that all other nations discourage importations for home consumption; they encourage them for deposit, as auxiliary to the carrying trade. We afford the solitary exception of the reverse; not a prohibited article in our tariff, no discrimination between imports for consumption or export, except the drawback of duties. This bill makes it; it gives facilities for export which were never offered before; it will aid American commerce, which is worth pursuing; it will take it from foreigners, who now almost monopolize it. I am not tenacious of the details of this bill; the great object is the reduction of the credits on manufactured goods; if too much is asked, let gentlemen say what will suit their ideas. Will they agree to any modifications, will they give up a little, or do they insist on retaining the whole—willing that commerce may be destroyed, if manufactures are not benefited? It would have much better suited my ideas, if we had endeavored so to modify the bill as to answer our common objects. But it seems that we have been mistaken in our expectations of conciliation;

H. OF R.

Revision of the Tariff.

APRIL, 1820.

nothing will satisfy the gentleman, but, by striking out the first section, the total defeat of the bill; there must be no modification, no alteration, no reduction of credits. Not satisfied with what they call the old system, they cling to the memorable act of 1818, as eagerly as if the whole commerce of the country depended on it. True to the commercial maxim, "keep what you have got, and get what you can," while regulations are progressive, adding to your benefits, call that the natural order of things; but when the least attempt is made to touch even a skirt of your system, fold up your hands and say, "let us alone," let us regulate ourselves. If we adopt your maxim, and offer to divest commerce of even the ruinous trappings of its regulations, then the cry "revenue and smuggling," comes to your aid, and keeps off this most odious thing called regulation. I understand it; it will be understood by the country; we are always regulating commerce—you will this session: it is necessary to save it, if the petitions for navigation acts are to be believed.

Let the House not forget one celebrated regulation in the late war, when goods to an immense amount had been imported, in violation of your non-intercourse acts; when the merchants had given bonds to the amount of twelve millions of dollars, which were forfeited, which they added to the price of their goods, and received from the people of the country, the consumers, on the ground that they were obliged to pay them to the Government. You, by one "regulation," remitted them; and, at the expense of the treasury and the nation, put the money in the pockets of men who now say—"let us alone." When half as much is done for manufactures, I will admit that they may regulate themselves. I do not urge these matters from hostility to commerce, but to let its friends see that not the want, but the excess, of regulation has now made it necessary even for them to do away some part of their system, to induce them to make a common cause with the other great interests of the country, to save themselves. Our export of produce, and import of goods for home consumption, has ever been unprofitable; the only valuable part of our commerce, the carrying trade, is now leaving us; it can only be brought back by regulations. It is not denied that the importations are now mostly on foreign account. Importers will be exporters; those who bring you goods, will take away your produce; if there is a surplus of imports, foreigners will take them to other markets. Merchants must see this; they now feel it; the situation of your seaports abundantly proves the fact. The pride of opinion must be abandoned. Commerce is no longer what it was—the change in the relations of the civilized world has been the cause—measures must be changed with the times; and, when we can trace to a definite source a great portion of all the embarrassments of the treasury and the people, we are called on by every motive which ought to influence a national Legislature to join in the remedy. In asking for the abolition of credits on manufactured goods, it is not any bounty or even encouragement of domestic manufactures. It is only that you

take away the bounty, the premiums on imported, the inducements, the temptations that the needy foreigner cannot resist—that you shall not take money from the people of this country, and lend it, without interest, and often without security, to the foreign importer. Apply the favorite commercial maxim, not as practised on, but according to its real meaning; take away the credits, rescind the regulations which give them; then things will regulate themselves; now your laws regulate them.

The duties imposed by the existing laws are said to be sufficient protection; and so they might be, if the operation of the system made them, to the amount, a discrimination between the foreign and domestic fabrics. When impelled by the general distress, the prostration of all sources of national industry, to complain of its insufficiency, and propose remedies, one gentleman charges the committee with obtaining their object by indirect means, and tells us to increase the rate of duty; another tells us this will be unavailing by the increase of smuggling. I had thought that the last charge brought against the Committee of Manufactures would have been that their objects were indirect. If the bills they have reported do not on their face explain their objects, the observations of their chairman have not left their views a matter of conjecture. If the bills pass, there will not be much doubt about their direct effect; at any rate, they are meant to be efficient. I think it not very honorable to the mercantile character of this country to be told by experienced merchants, we will smuggle if you touch our system; raise a duty or diminish a credit, we will violate your laws. Let me entreat them to put too high a value on their reputation to hold out to this House threats of this kind.

As to high duties, the gentleman and I understand each other very well; but neither on this, or his resolution calling for evidence, is the committee to be caught. High duties are not the efficient means of protecting our industry; had we proposed them, we should have defeated our own measures; the triumph would have been the greater, as we should have destroyed ourselves, by falling in the snares of our opponents. Moderate duties, but so imposed as to be collected, so as to afford a real and not a mere nominal preference to our industry, are what we aim at. At present, they are merely a tax on the consumer, and operate in a very small degree for any other purpose.

Calculate the bounties, premiums, and drawbacks of other Governments, on the exportation of goods, our custom-house credits, and sales at auction, it will be found there is little, if any, discrimination in favor of our manufactures; the duties are balanced by these advantages. It has been more our object to remove these premiums on importations than to raise the rate of duties. We are told that one-third of the shipping of the United States is idle—it is certainly true. I will thank the gentleman to give us the reason—he knows it is not the prosperity of our manufactures; that the trade of the country is passing from our merchants; if ours is idle, foreign shipping is em-

APRIL, 1820.

Revision of the Tariff.

H. OF R.

ployed—that the custom-house credits are the main cause; yet he will not agree to the change. I am bound to hope it is not because this bill aids other interests as well as commerce. Had it been reported by another committee, had the provisions of the third section been offered by any other than the *Goths and Vandals of the West*, I think they would have been retained; it is not impossible that even the European credits would have been reduced. But nothing from the Committee of Manufactures will be accepted; even favors from them will be rejected. I am glad that I voted against the separation of the Committees of Commerce and Manufactures. I well knew that it would hold out to the House and the country the idea that their interests were opposed; it was my belief then, and is now, that they are the same; experience will show it; both are declining, not only going, but gone; the same measures are necessary to redeem both.

The committee well knew that they were undertaking an ungracious task in acting on all the subjects referred to them. How far they have acted impartially can best be judged, not by professions, but their acts. I am willing it should be tested by this bill, confident that when this excitement shall pass away, it will remain as evidence of our disposition to do as much for commerce as for manufactures—equally confident that the time will come when its loss will be regretted by those who now oppose it, not only as to parts, but the whole—who will now agree to no amendment, no modification, but hold on to the old system in all its changes. All seem to admit that the commerce of the country is rapidly declining, but we are promised a change in 1822. I would be indeed thankful for the information on which this prediction is made, happy to know the means by which it is to be realized. Does the gentleman judge by experience, from facts, or does he rely on the chapter of accidents? Let me warn him not to indulge in delusive hopes; to look to causes and effects, and, while there is a commerce to protect, not to delay the means of its restoration. Above all, let him beware how he presses on us his favorite maxim—of let things regulate themselves.—This nation may not always apply it exclusively to manufactures; even here equality may be equity, and this favored child of legislation may be left to regulate itself. When 1822 arrives, and the gentleman's predictions turn out dreams, we shall perhaps have learned that Government is instituted to protect more than one interest; that laws to favor commerce are not to be claimed as matters of right; for manufactures, to be implored as charities, gratuitous favors flowing from your good grace; that one part of the nation is not to claim a monopoly of protection and protest against its being granted to another, as an usurpation of its prerogatives. How will he like to hear, to the prayers of commerce supplicating aid against foreign laws, and competition, and domestic indifference, the appalling answer of “regulate yourselves!”—if you are not doing well, commerce is doing well somewhere else; your relief will injure manufactures, the revenue, and lead to smug-

gling; we have adopted another child, and leave you in the enjoyment of your own principles. This day may come, but it is not our fault; we have held out our hands in friendship, but have met with a cold repulse. If commerce is now left to itself by a repeal of all our regulations in its favor—the bounties on fisheries, navigation acts, coasting trade, tonnage duties, discrimination on imposts, light money—how would its friends like this “being let alone?” Let them then think how we feel at receiving this answer when asking for some portion of the benefits of Government, by a measure which is called for by all parts of the nation, and is necessary for the security of the revenue. To prepare for the reception of the tariff in this House, you adopted a resolution calling on the Treasury Department for information as to its effects; those who are now so alarmed about the revenue had better call to know the effect of long custom-house credits, and the propriety of a change. They seem unwilling to do it; it is not for us to ask it, but we can easily judge from the amount of revenue bonds. On the first of January last, those outstanding, not due, were \$16,100,000; if the same amount should be in suit this, as was the last year, after deducting the expenses of collection and drawbacks, you can calculate the state of the Treasury from imposts, and decide whether it is better to take the money or trust to the bonds of foreigners. You will not trust your own citizens one day for any portion of the purchase money for their pittance of land—how will you answer to them for trusting to foreigners millions of your revenue after you find, by experience, that they do not pay? How will you answer to the nation for the continuance of a system which is confessedly ruinous to agriculture, commerce, manufactures, and revenue; which* is daily adding to the distresses of all the country, and the embarrassments of the Treasury, which are increasing, and must increase, during European peace, can only be checked by some such measure as is now proposed.

I am sorry to hear it still repeated, that commerce provides all the resources of the Government. Those who ring this in our ears must surely think us very simple; that the people are so easily duped as not to know that the duty, with accumulated profits, is added to the price of every article, and paid by the consumer; that the merchant is only the collector, and is well paid for collecting the taxes;* the people pay them on every foreign article they eat, drink, wear, or use.

But, sir, this bill is totally misapprehended; it does not change the system of imports, it only makes it effectual by preventing losses; it aids your Treasury by bringing to it the money instead of bonds on long credit; it makes your system in some measure uniform and consistent, applying the same rule to purchasers of land and goods. If

* A citizen of New York was once boasting to Mr. Jefferson, that that city paid one-third of the whole revenue. He was silenced by this reply; “Remove the custom-house across the Hudson, and the city of Jersey would pay it.”

H. OF R.

Revision of the Tariff.

APRIL, 1820.

the bill proposed a total abolition of credits, it would be justly exposed to the attacks I am endeavoring to repel; but it goes no further than to make the duties payable in cash or the articles to be deposited, which interfere with our national industry, and principally affects that part of our trade which is in the hands of foreigners. It is objected, that it will tend still further to produce that effect, and to exclude small capitalists from importations on their own account. These objections have long since been anticipated; they have, in my mind, been completely answered by the letters in my hand from the most intelligent merchants of New York and Baltimore. The foreign merchant and manufacturer, who send their goods here, are generally needy; the regular course of trade does not give them a market, or they would not force their way to one here by auction sales; our credits operate as a loan, and increase their capital to carry on their operations at home: this is a great temptation to continuing the trade; the loan is perpetually increasing; every new consignment adds to the amount; it is unlimited as to time, and thus it will progress till you depend on foreigners, not only for supply and defence, but revenue. As one old bond is paid off, a new credit is given for an increased sum. No other nation affords these facilities; hence our market is resorted to. But take them away, take from any consignment twenty-five per cent. for duties, instead of adding that amount by a loan; compel the consigner to send the money for duties, or pay a short bill, it would effect such a total change in his business that he could not continue it; then he must take from his capital at home to pay his way abroad; now you add to it by lending him money to use for twelve months. It is the difference between a premium and a tax—a bounty and a burden.

There is no mystery in this: even the back-woodsmen can understand it. It would indeed be mysterious, if long credits encourage foreign consignments, that short ones should increase them. Cash payments give them the monopoly. I cannot dwell long on reasoning of this kind; it is much like the other objection, that capitalists will engross all the trade. This deserves some examination; if true, it presents a serious objection to the bill—if not true, the House will be able to decide on the character of the opposition. This and the auction bill are necessarily and closely connected, the one an auxiliary to the other; the petitions for both mostly from merchants and mercantile towns—whether from large or small capitalists, can best be judged by those who know the signers, and will examine the number of those petitioners. Here is a petition from New York, praying for the auction bill; there are more than seven thousand names to it. It must be a wealthy place indeed, if these are all capitalists. Here is one praying for a general abolition of all credits on all importations, signed by near five hundred merchants of that city. No one will pretend they are capitalists—no one has a right to say they do not understand their own interest. They have asked for this bill, as essential to their protection;

they have made common cause with the friends of manufactures, to check an evil destructive to both. Merchants of all classes have united in its favor, small as well as large dealers. It has been opposed by no individual petitions—no small capitalist has objected, or now objects, to its passage. The only opposition has been from your chambers of commerce, some of whom have sent and directed their memorials to us; others have sent, but not directed them—circulated secretly—their effect felt, but the power not tangible. I can hear of it, but it is not on our tables—we cannot examine it. These bodies, it seems, are the guardians of commerce. Merchants undertake to judge for themselves, and ask us for a measure—a chamber of commerce remonstrates against it, as injurious. I do not well understand who these chambers of commerce are; they are generally understood to be men who are to settle disputes among merchants. In New York, I find, they are incorporated for charitable purposes—that they received the thanks of the Assembly of that State for their patriotic conduct in importing no goods from Great Britain, until she would repeal the stamp act. I would rejoice now to find chambers of commerce leaning against foreign, and encouraging domestic, industry and commerce; and in times past it would have been gratifying if some of our citizens would not have carried on commercial intercourse with England during embargo, non-intercourse, and war. I believe the members of these bodies are not generally composed of small capitalists of the first respectability—they are of the most wealthy. It is matter of some suspicion to find them guarding the small trader with so much care, and so fearful that the trade of the country will be thrown into their own hands—a suspicion that is not diminished, when I find the merchants of Salem laboring under the same fears as to benefits which this bill will give to the large capitalists, and dwell so much on the injury to the young and enterprising. Here is something unaccountable to me. In 1818, the last extension of credits was made on the petition of the East India merchants of Boston and Salem, headed by William Gray and others, the greatest capitalists of the country. There were no petitions from any other place; small dealers did not ask for eighteen months' credit, and small dealers are not much concerned in the East India trade. This law, it seems, was thus passed on the petition, and for the benefit, of the wealthiest merchants in the Union. I must be allowed to ask, how the extension and shortening of credits will produce the same effects? I think too well of the gentlemen whose names were to those petitions, to believe they did not understand their own interests, or would designedly impose on you. The gentleman who so ably represents one of these towns, must permit me to say, that, while he is contending that this bill will injure the small trader, he is contradicting the petition presented by himself, praying for long credits. Two short years cannot have made such a change in the principles of commerce. What would benefit capitalists in 1818, will do so now. Long credits will produce the same effects now as then. When ob-

APRIL, 1820.

Revision of the Tariff.

H. OF R.

jections are made to short ones, they must be tangible. I must know where to find our opponents—they must not now play thus fast and loose. If short credits were injurious to capitalists in 1818, they will not give them a monopoly now. We are not to be thus amused with reasons which can be adapted to suit any measure—they are sure pretexts to defeat this bill, not because it will injure the small merchants, but because it will benefit the manufacturer. It will take the bounty from importations, keep the money of the Government at home, prevent loans to merchants from producing new importations on the capital furnished by the duties on the old. We have given the reasons and the evidence on which this bill has been reported. I would thank the then chairman of the Committee of Ways and Means for the evidence on which he extended the credits to eighteen months. In examining the effects of this change, I cannot see the injurious effects on the small trader; he can as easily pay the duties on a small importation as the large trader on a large one. Merchants adventure in proportion to their capital and credit; the duties are in proportion to what they import; the small dealer can often procure a small loan when a large one could not be obtained. The American merchant has a credit in bank, when the foreigner has none; we may, therefore, feel ourselves safe in acceding to the petitions of those who have asked for this measure, that they have not asked chambers of commerce or East India merchants to become their guardians.

Let it be remembered, too, that the small dealers are mostly in the West India trade, which is not affected by this bill—the East India and European trade, which will be deprived of one of its facilities, is in the hands of capitalists and foreigners—this accounts for their alarm, and a desire to guard their exclusive interests under the pretext of protection to the small dealers. When the latter complain, I will then think the objection may have some weight—till then, it will be considered as a pretext to cover opposition to a system indispensable for all the great objects of Government, merely because it comes in aid of manufactures. I must not be blamed for indulging this belief when there is such a settled determination evinced not to touch any part of the present credits, when the same cry is raised whether we offer to touch the act of 1818, or to abolish the whole. It is at all times amusing to hear these same alarms rung on every occasion. The tariff brought them out—this bill has increased them—"it will ruin commerce, agriculture, revenue," and even the country itself! They must be weak indeed when they rest on European and East India credits; we got along very well before 1818; there were no very imperious calls on us to extend them then; if they were shortened now, I think the sun would still shine, and water run! This is not the first time this country and all its interests have been *ruined*. The proclamation of neutrality, the British treaty, the French war, ruined us forever; the embargo and non-intercourse law were death; so was the late war: yet the country has survived all; it bears a great deal of ruin, and bears it very well, for one

who has been ruined so often. After surviving such shocks, I think the little ruin which will be added by employing our own labor, our own materials, giving a value to our own property, carrying on our own commerce, and receiving into the Treasury all the money that the people pay for taxes, will not be too much to bear! If this is ruin it is of the kind which will restore us to prosperity. There must be a striking analogy between two opposite systems, agreeing in no one feature, yet producing the same effects—each attended with ruin absolute and irretrievable. You have tried imposts till your revenue has left you five millions short of your expenses; credits till one-fifth is in suit; importations on foreign accounts, till your commerce is destroyed; auction sales, till your merchants are idle (their hopes resting in a bankrupt law); foreign goods, till your manufactures are abandoned; foreign markets, till your farmers find their produce rotting on their hands: and yet it is contended that the continuance of this condition of the country is necessary for its welfare; that a change will be ruinous. I hope gentlemen will ask themselves if ever there was a time when there was such a scene of universal distress. If it cannot be easily traced and satisfactorily accounted for, when called on, as you have been this session, by the people of the country, they will expect some better answer to their petitions than these alarms, which are always raised whenever there has been any attempt to adopt measures of vital importance. When you urge them you must give reasons; show how the present system will restore, how the proposed one will injure us; show how internal industry will injure internal prosperity; how idleness promotes national strength or individual wealth; and, above all, satisfy the farmer for whose interest there is so much anxiety, how he is to be injured by buying his clothing from those who will purchase his produce. Now the surplus of his farm will not clothe his family and procure him his utensils; now he understands what is meant by buying cheap: that it does not consist in the price of the article he wants, so much as in the price of the article with which he is to make payment. When cloth is at ten dollars a yard, and flour at ten dollars a barrel, one pays for the other—cloth at six dollars and flour at three, the cloth to the farmer has doubled in price; the barrel of flour procures but half a yard of cloth. These things will be understood; there is no mystery in political economy; it is a plain simple calculation of what is bought by the least labor and the smallest quantity of produce.

That article is the cheapest which the consumer pays for the easiest. What encouragement does the importer or retailer of foreign goods now give the farmer; what injury has a manufacturer in his neighborhood, or a market at his own door, ever done him? Is it better for him to seek it by navigation of three thousand miles, when found glutted by supplies from other sources, the price less than at home; the home market destroyed by the eagerness for a foreign; shall all competition be destroyed, our produce left at the mercy of other nations, who have agricultural interests of their own to protect?

H. of R.

Revision of the Tariff.

APRIL, 1820.

Are they better friends to the American farmer than even our own Government; theirs than our own citizens? These are questions which must be answered in some other way than "you will ruin the country." Sir, the country is ruined if you persevere in your present policy. It must and will be changed. Such radical and fatal errors will be checked by the general voice of the country, if not here. It had better be done while moderate measures will be sufficient—such as are proposed by this bill, which does not increase the duties, imposes no burden on commerce; but, merely taking away the bounty and premium on foreign manufactures, so as to leave the duties which are laid on importation a discrimination in favor of our own industry, and the trade of the country in the hands of our own merchants.

Mr. SILSBEE, of Massachusetts, addressed the Committee as follows—

Mr. Chairman: Being an inhabitant of a commercial district of the United States, I feel compelled, by a sense of duty to my constituents, to make a few remarks upon the bill now under consideration.

It seems to be generally admitted, sir, that every interest of the country is depressed at this time; and what does this bill propose—measures for the relief and benefit of all? No, sir; its object seems to be, to impose new restrictions and additional burdens upon that interest which, at this moment, is more depressed than any other. I mean the commercial and navigating interest. In the course of the past year a loss has been sustained by the merchants of this country, of at least twenty-five per cent. of the whole capital employed in foreign trade, and the prospects of the present year are not more flattering than those of the past. There will not be so much capital employed this year as there was last, because there is not so much to employ; but in that which is employed the loss (judging from present appearances) will be as great, or greater, than it was the last year. If gentlemen have attended to the memorials which have been read in this House, from the manufacturing interest, they will have learnt from them something of the present state of our navigation and commerce. We have been informed by these memorials that our ships are rotting at the wharves; that they are not worth half their cost; that a large portion of the merchants are already bankrupts; and that others are almost daily added to the list. If this be true, (and no one who has recently visited our seaports will be inclined to doubt it)—if this be true, I say, is it wise, or is it just, further to depress this interest at this time?

The bill under consideration proposes the abolition of the present system of credits on revenue bonds, and the adoption of an entire new system. The present system has been in operation, with some alterations, from the commencement of the present Government. By the act of the 4th of August, 1790; the credits for duties on imports were fixed as follows, On goods from the West Indies, at four months; on teas from China, at twelve months; on Madeira wine, at twelve months; on all other goods, at six months. At this time

sales of goods were generally made for cash, or at very short credits; but, as the business of the country increased, longer credits to purchasers became usual; and it cannot be doubted that it was the encouragement of this increase of trade which induced the Government to extend these credits, as they have done at different periods since 1790.

By the act of May, 1792, the credit for duties on salt was fixed at nine months; on other West India goods, at four months; on all other goods, (except wines and teas,) half in six, a quarter in nine, and a quarter in twelve, months. By the act of January 29th, 1795, the credit on importations from the West Indies was extended to three and six months; and on importations from Europe, the credit was fixed at eight, ten, and twelve months; one-third cash. By the act of the 3d of March, 1799, the credits were fixed as follows: on West India products, (except salt,) half in three, and half in six months; on salt, in nine months; on wines, in twelve months; on teas from China or Europe, the same as other goods from those countries, unless deposited in Government stores, in which case the credit not to exceed two years; on articles from Europe, one-third in eight, one-third in ten, and one-third in twelve months; on all goods from any other place than Europe and the West Indies, (other than salt, teas, and wines,) half in six, a quarter in nine, and a quarter in twelve months. These credits have not been changed since March, 1799, except that, by the act of April 20, 1818, the credit on West India products was extended from three and six, to five and nine months; and on articles from the East Indies, South America, &c., from half in six, quarter in nine, and a quarter in twelve months, to one-third in eight, one-third in ten, and one-third in eighteen months.

These credits are given on bonds, with one or more sureties, to the satisfaction of the collector, in double the amount of duties; or, in lieu of the sureties, the collector may accept a deposit of so much of the goods as shall, in his opinion, be a sufficient security for the amount of the duties, (not the whole goods, as is required by the bill now under consideration,) which deposit is to be held till the bonds become due, at which time, if the bonds are not previously paid, the goods are to be sold, and the surplus, after paying the bonds and charges, to be paid over to the importer of the goods. This is the substance of our present system of credits, which to this time has been found as satisfactory and sufficient as it is simple.

The system proposed by the bill under consideration, if I understand it, is this: On the arrival of goods liable to the payment of duty, the importer may elect whether to enter them for exportation or for consumption; if he enters them for exportation, he is to give bond, with sufficient sureties, to the whole amount of the goods, that they shall be exported, and not relanded in the United States. It is, however, provided that the importer may, subsequently, re-enter his goods for consumption; but this indulgence is extended only to three months from the date of importation, and on condition that the duties are all paid before the expiration of

APRIL, 1820.

Revision of the Tariff.

H. OF R.

that time. If the goods are, at the time of importation, entered for consumption, and are such as named, as excepted, in the first section of the bill, they are to be entitled to a credit on one-half the amount for three months, and on the other half for six months, except teas, on which the credit is to be three, six, and nine months; one-third cash. On all other goods, of every description, the duty is to be paid in cash; or, in default of such payment, the goods (not merely enough to secure the payment of the duty, as under the present system, but the whole goods) are to be deposited in stores selected by the collector, and retained in his custody for six months, when, if the duty is not previously paid, so much of the goods are to be sold as will pay the duty and charges. Now, sir, if the Government had large and convenient warehouses established in all our seaports, as is the case in most parts of Europe, to which access could readily be had during the usual hours of business, this might not be considered so great an inconvenience; but this is not the case—and, should importers generally store their goods instead of paying the duties, almost every store in our commercial towns would be converted into a government store, and unless the Government should forthwith appoint a host of storekeepers, it will be found extremely difficult, if not impracticable, to get along with this part of this new system. It will at least be found so inconvenient and perplexing that few, if any, who can pay the duties on importation, will submit to it. I must, therefore, consider the duties on all the non-excepted articles as liable to cash payment.

The revenue from the customs, in 1818, (the last year for which returns have been made,) was \$21,828,451; of which \$5,410,320 accrued on articles which are to be entitled to a credit, according to the provisions of this bill; and \$16,631,852 were derived from articles which are to be liable to cash payment of duties. So that less than one-fourth part of the amount of duties are to have the benefit of a credit of three and six months, and more than three-quarters of the duties are to be paid in cash.

Sir, the merchants of the United States are at this time, and at all times, under bonds to the Government for the payment of about twenty millions of dollars within a year. Should this bill pass, and not lessen the amount of duties that would otherwise accrue, it will require from the merchants a further payment of ten or fifteen millions more, making thirty to thirty-five millions within a year from the time this bill takes effect.

Now, can the commercial interest bear an additional assessment of fifty to seventy-five per cent., at a time when they find it all but impossible to comply with their present engagements? And if such requisition could be complied with, would any interest of the country, either public or private, be benefited by withdrawing from circulation such an additional sum, when a considerable portion of it, at least, would lay dormant in the Treasury, or in the bank, for the greater part of a year? It would, to be sure, give us an overflow-

ing Treasury for the first year, but a very impoverished one for several succeeding years.

I have heard it said, on this floor, that credits for duties are not allowed by any of the commercial nations of Europe. This, if apparently, is not really, the case. Entrepots, or public warehouses, are established, I believe, by every commercial nation in Europe; certainly by most of them, and most goods may remain in entrepot until they are sold for consumption, before the payment of duties is required; even goods prohibited for consumption may remain in depot until some foreign market offers a demand for them.

The English, French, and Dutch, may be considered the principal commercial nations of Europe.

In England, I believe, all goods may remain some months, and most of them may remain from two to five years, in the public warehouses, without bond, except such as are liable to excise, which must be bonded when put into the warehouses, and on prohibited goods, bonds must be given to export them; the payment of duties may be delayed until the goods are taken out of the warehouses for consumption. In France, goods may remain in entrepot twelve months, with the privilege of further time, by special permission; on taking them out for consumption, the duties must be paid, either in cash or by bond with sureties at four months; but goods are generally sold, in France, in entrepot, and the duty paid by the purchaser, as he takes them out for consumption.

In Holland, goods may remain twelve months in entrepot, on bond, after which prohibited goods must be exported, but other goods must remain longer, by permission of the board of licenses.

In Spain, the payment of duties is required when goods are taken from the custom-house, but I don't know how long they are permitted to remain there.

In the ports of Italy, all goods are sold in entrepot; the duties are paid by the purchaser when taken out for consumption.

In Denmark, the duties are not paid until the goods are sold to the consumer.

It will therefore be seen, that, although the European systems differ from ours, yet, that those systems afford, really, even longer credits than are allowed by our Government; with this difference, however, that there, in most cases, the goods themselves afford the security for the payment of the duties, and if the goods, by any casualty, are lost to the owner, the duty is lost to the Government. With us, instead of holding the goods, bonds with sureties are taken, and, although goods are lost by any casualty whatever, (which not unfrequently happens) yet the duties are paid to the Government. And I am confident that, to this time, the Government have been great gainers by the adoption of our own system in preference to any of the European ones. Under our present system the merchants know when their payments to Government become due, and prepare to make them; but, under the system contemplated by this bill, they cannot be so prepared; their ships may arrive two

or three months earlier than expected, at a moment when they have just used so much of their means and so much of their credit, upon some new adventure, as to be unable to raise twenty, thirty, or one hundred thousand dollars at short notice; but if their ships should not arrive so soon, by two or three months, as may be expected, the funds which they may have provided for the payment of duties will, in such case, remain unproductive. A large portion of our imports are made in the Spring months of March and April, consequently the cash payments required at this time will be so large as to cause a pressure in the money market, at that time, and, as the banks will be apprized of this, they will rather lessen than increase their accommodations, at a time when they will be most wanted. There is already much complaint of the scarcity of money; the passage of this bill will not lessen this complaint.

This bill discourages importations generally; this policy is the reverse of every thing seen in Europe. It is the policy of other nations to encourage the importation of almost every article, even if prohibited for consumption; this is done, not solely with a view to benefit the revenue, and to keep down prices, but also for the further purpose of sustaining the carrying trade; and we ought to do the same, at least so far as respects articles with which we cannot supply ourselves.

It has also been said on this floor that the credits now given operate as a loan to the merchants. It will not be denied but this may be the case in some instances, but equally true that in many, and I believe I may say in most cases, the duty is paid to the Government before it is received from the consumer; and I think it may be said, without fear of contradiction, that, on an average, the duties are paid before they are realized from the sales of goods. So far as my own experience has enabled me to judge, this has certainly been the case. I have some goods now on hand, the duties on which have been paid more than three years. If merchants are compelled to pay the duties before they can realize them from the proceeds of the goods, it must be seen that the effect will be to lessen their business, and, consequently, to lessen the revenue.

It has also been said, that great losses must have been sustained by the Government, in consequence of these credits on revenue bonds. Have we ever heard any such complaints, even from the Treasury Department or elsewhere? No, sir, we have not heard any such complaint, because no such losses have happened. The revenue which has accrued from the customs, from the 4th of March, 1799, (the commencement of the present revenue system) to the end of the year 1819, is \$351,329,799, upon which there has been a loss of \$1,037,355, and a further sum of \$540,969 which may be lost, in whole or in part; but, supposing the whole to be lost, the amount of losses will be \$1,578,324—a little short of 45-100ths of one per cent. In the district in which I live, although the trade from that district is such as is entitled to the longest credits given by our laws, the losses have, I believe, been less than 1-100th part of a per cent.; and in the

district of Boston, in which immense sums have been bonded, the losses have not, I think, exceeded 1-10th of a per cent. The official report from the Treasury Department shows that the whole losses throughout the United States have been less than half a per cent. Now, I ask, if another instance can probably be found in the world of a Government, or even an individual, having sustained so small a loss upon its, or upon his credits, or upon any class of credits, for a space of thirty years, in the course of which, it should also be noticed, that a foreign war, embargoes, and other restrictive measure have taken place, which have essentially affected the interest of those people who have had these payments to make? There is, I think, no hazard, in saying, that in no country on earth has the revenue from customs been so promptly paid as in this.

Under the present system, the officer at the head of the Treasury Department is, at all times, enabled to make his calculations with great accuracy, and without fear of disappointment, of the amount to be received into the Treasury for any ensuing year, by estimating the amount of bonds on hand; and we are thereby enabled to limit our expenditures accordingly; but how can he, or how can any man, under a system of cash payments, form any correct estimate as to future receipts? He cannot do it—it is impossible. And in the event of a war with a powerful maritime nation, the revenue from commerce would almost instantly stop, under the system contemplated by this bill; whereas, under the existing system, the Government will always have bonds in hand for the amount of about \$20,000,000, to be paid within a year after such an event should take place.

It is said that some mercantile people are advocates for cash payments of duties, and that memorials to this effect have been presented to us. This is true, sir, and it is also true that our own capitalists, as well as the agents of foreign capitalists, would be benefited by such a measure; but the less wealthy merchant will be injured by it, and all the young and enterprising ones, of small property and limited means, will be driven from their business, or their business will be driven from them into the monopolizing hands of the capitalists; and if we are disposed to gratify them, at the expense of the great bulk of the mercantile people, and at the expense also of the consumers, we shall pass this bill, but if we look to the good of the many, in preference to that of the few, we shall not pass it.

Amongst the signatures to the memorials against discontinuing credits, we find the names of many capitalists, who would be benefited by such discontinuance as is contemplated; but, to their great credit, they are willing to yield such advantages to the public good.

If these credits had been productive of heavy losses to the Government, this would be a strong and sufficient reason for discontinuing them; but this has not been the case.

If the object of this bill is to aid the manufacturing interest, I must say that, in my humble opinion, that aid ought to be sought in some other

APRIL, 1820.

Revision of the Tariff.

H. OF R.

way than by coercing people to abandon commerce (by making it more unprofitable to them) for the purpose of inducing them to devote a portion of their capital to manufacturing purposes; and really it is only in this way that I can perceive any benefit will be afforded to the manufacturing interest by this bill. It will not have much if any effect upon the importation of European manufactures, because, if the greater part of those importations are made by the agents of foreign establishments, as we have been repeatedly assured is the case, those agents, on the arrival of their goods, have only to sell a bill of exchange on their principal in Europe for as much money as is needed to pay their duties; and these bills of exchange are always a cash article in the market. This description of importations will therefore be less affected by the provisions of this bill than any other.

If I know myself I am a friend to manufacturing establishments, and am disposed to afford to that interest every aid and encouragement that can be given, consistently with due regard to the other great interests of the country. The other day I gave my vote freely and satisfactorily in favor of clothing the army with our own manufactures, without restriction as to price; but, at a time of general depression, I cannot consent to build up any one interest of the country upon the ruins of another.

If higher duties are necessary for the protection of our domestic manufactures, I have no objection to a reasonable increase of such duties, but I have always considered the imposition of duties upon a minimum price, to be an incorrect way of assessing them; it is a mode which has not, I believe, ever been adopted by any other nation. I was therefore induced the other day to move that the proviso, in the contemplated tariff, relative to coarse cotton goods, be stricken out; not however with a view of lessening the duty on such goods, but for the purpose, as I then stated, of changing the manner of assessing that duty from a nominal to an actual per centage; and whether this had been fixed at 50 or 150 per cent. I should not have objected to it.

I am unwilling to believe that the framers of this bill are so unfriendly to commerce as its provisions seem to indicate; and if, under an impression that we yet have too much commerce and too much navigation, they think that a further reduction would be beneficial, I ask them to look at the Treasury report of the district tonnage for the last year, and see if the reduction there exhibited is not sufficiently rapid, either for public or private good. That report will show a reduction of over one-fourth part of the tonnage of the United States, employed in foreign trade, within a year; and the report of next year will, I apprehend, show a still farther reduction; if it does not, it will be because we can neither sell nor give away our ships. In consequence of this reduced and depressed state of our foreign trade, the wages of our seamen have declined to one half what they were a year or two since; and should this and the tariff bill pass, they must decline still further; and shall we, Mr. Chair-

man, deprive of their daily bread, shall we drive to our poor-houses those brave men whose recent and I may add renowned achievements have given such imperishable fame to our country? I hope not.

Sir, we are now called upon to decide whether we will, at this moment of general depression and distress, abandon a system which has been in successful operation for more than thirty years; a system which has been productive of immense wealth to the nation, and been universally acquiesced in until this time, and adopt a new one of untried operation and effect, one which imposes such conditions as are not imposed by any other commercial nation, and such as ought not to be imposed by this, unless we are disposed to aid the nations of Europe to build up their commerce and navigation, upon the downfall of our own.

The passage of this bill will make the foreign trade of the country a monopoly in the hands of the capitalists and foreign agents, will injure if not ruin all the young and enterprising merchants of moderate property, will enhance the price of foreign articles to the consumer, not only by lessening the importations, but by placing them in the hands of capitalists who can and who will hold them for high prices, will have a tendency to lessen the price of our own products by lessening the number of purchasers for exportation, will lessen the revenue at least for several years to come; and what is worse than this, it would be productive of smuggling and other fraudulent practices, the temptations to which ought to be more cautiously avoided in this country than in any other, because our extensive seacoast and innumerable rivers, bays, and creeks, afford greater facilities for these practices than are found in any other country.

Engaged as I am in commercial pursuits, it may, and probably will, be supposed that I am induced by motives of self-interest to oppose the passage of this bill; for the purpose, therefore, of preventing the effect of such a supposition, I assure the Committee that, as an individual, I feel rather indifferent than hostile to the provisions of the bill. My own private interest would, I think, be rather benefited than injured by the passage of it; but knowing as I think I do that it will be productive of much public as well as private injury, and that the present state of commerce will not bear it, I feel it to be my duty to oppose it.

Mr. Chairman, we have heard much about the "balance of trade," which is said to have been very much against this country for a number of years past; and gentlemen seem to have made up their opinions on this subject from the custom-house returns of imports and exports, and to have concluded that the excess of the latter over the former, proves a balance to this amount against us. In the first place, these returns are very imperfect, and, if they were otherwise, would not (as they are now made) afford a correct means whereby to ascertain the balance of trade of this country; these returns might guide us to a tolerably correct conclusion, if our exports were sold and our imports purchased on our own shores. But these alone, however correctly made, are not suffi-

cient for a commercial nation. We are the carriers of the greater part of our own exports and imports; therefore, all the advantage of freight and profit (when there is any) is to be brought into the calculation. Until the late embarrassments of commerce we had upwards of eight hundred tons of shipping employed in the foreign trade; the freight of which tonnage alone, at twenty-five dollars per annum, (which is the lowest price at which, in ordinary times, the vessels can be supported,) would amount to twenty millions of dollars, and would pay that apparent balance of trade against us; and I will endeavor to show that the imports may exceed the exports, even much beyond this, without creating a balance against us. To illustrate this, let us suppose the amount of exports for the present year to be one hundred millions of dollars, which, in consequence of bad markets abroad, produces only eighty millions, and that this eighty millions, invested abroad in foreign articles, produces, on return to the United States, in consequence of other bad markets, only sixty millions. This, according to the theory of some gentlemen, would be a very profitable trade, because the imports, according to the custom-house returns, would be less than the exports. But, I ask, how long could we sustain such a profitable trade as this? Why, sir, in the short space of two years and a half we should sink the whole amount of our annual exports.

Now, let us further suppose the same amount of one hundred millions of dollars to be exported the next year, which, owing to better foreign markets, produces one hundred and twenty millions, and that one hundred millions of this are invested in merchandise and twenty millions in specie; and that this one hundred millions, on return to this country, in consequence of more favorable markets, is worth one hundred and twenty millions, which, with the twenty millions in specie, would give us one hundred and forty millions for the one hundred millions exported. This, according to the same theory, would be a very destructive business, because, according to the custom-house returns, (as these returns are now made,) it would leave a "balance of trade" of twenty millions against us; and if those returns were made to include the specie, the balance would appear to be forty millions against us. But who, I ask, do we owe for this? Is it not so much gained by domestic industry and enterprise? Most assuredly it is. And this is such a balance of trade as I should always be willing to be concerned in; and I am inclined to think that the gentleman from Pennsylvania (Mr. BALDWIN) would have no objection to a share of it, the custom-house reports to the contrary notwithstanding.

The accounts of the Treasury Department show that the exchange has been, almost universally, in favor of this country for the last twenty years, and that a large gain has been realized on the public remittances to Europe within that time; and this alone is sufficient to refute the doctrine which has been advanced by some gentlemen on this subject.

The East India trade has also been spoken of, and by some gentlemen who are not perfectly ac-

quainted with it. They seem to think that the importations from thence are principally manufactured articles, which is not the case. It is true, that large importations of coarse cottons were formerly made; but the present duty has operated as a prohibitory one upon that article for home consumption, and the very small parcels that are now brought are for exportation. There have been large importations of silk goods from China, and some nankeens are yet brought from thence; and these may be said to be almost the only manufactured articles now imported from beyond the Cape of Good Hope. Our cargoes from thence are principally of sugar, coffee, tea, pepper, and other spices. A year or two past, raw cotton was brought from thence for the European markets; but I presume there was not a single bale imported the last year. These articles are paid for chiefly, though not entirely, with specie. Some investments made in Bengal, Java, and China, are paid for in skins, copper, sandal wood, and other articles from the Pacific ocean; in wines and other liquors; quicksilver, opium, and other articles from this and other countries; and by drafts on Europe and the United States. And of the specie annually sent to India and China, it may be estimated that one-third to two-fifths of it is procured in and shipped from Europe. And no inconsiderable portion of this specie is raised from the proceeds of our own products which are shipped to Europe for that purpose. And it may be added that a part—and a very considerable part, too—of the specie shipped from the United States, is imported specially for that purpose.

I believe that the annual sales of India and China goods in Europe usually exceed the amount of specie taken from this country, and sometimes exceed the whole amount taken by our vessels from Europe to this country. A part of these goods which are sold in Europe are taken directly there from India and China, but the larger part are first brought to this country, and such as are not wanted in our markets are subsequently shipped to Europe. So that this trade is neither so destructive or injurious as some gentlemen seem to imagine; if it were, it must and would have terminated long since.

But for this trade, we should have had to pay much higher prices for sugar, coffee, tea, and many other articles of common consumption in this country.

This trade produces a large revenue to the Government; it employs from three to four thousand seamen; is the best nursery for that class of men, and the very best one for officers of any branch of our foreign trade, and has tended more than any other branch to improve the structure of our ships and the skill of our navigators.

Although this trade, like every other, is depressed at this time, yet it is more safe than any other now pursued from the United States. And if it is wished to paralyze the commerce and commercial enterprise of the country, it cannot so effectually be done in any other way as by restraints upon the India trade.

It was my intention to have explained more fully

APRIL, 1820.

Revision of the Tariff.

H. OF R.

my views in relation to this trade, but I find myself too unwell to proceed. Before I resume my seat, however, I move you, sir, to strike out the first section of the bill.

Mr. LOWNDES also assigned the reasons why he also was opposed to the bill, and particularly to the provisions which contemplate restrictions on the East India trade.

Mr. CLAY spoke in reply to Mr. SILSBEE and Mr. LOWNDES, and urged the adoption of the provisions of this bill.

Mr. LOWNDES again spoke; and Mr. CLAY rejoined.

Mr. BALDWIN was speaking earnestly in support of the bill; when an alarm of fire, in the city, induced the Committee to rise (at four o'clock) and the House adjourned.

TUESDAY, April 25.

Mr. ANDERSON, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act to establish additional land offices in the State of Alabama," reported the same with amendments; which were read, and concurred in by the House, and the amendments were ordered to be engrossed, and the bill read a third time to-morrow.

On motion of Mr. WHITMAN, the Committee on Foreign Relations were instructed to inquire into the expediency of imposing a duty on plaster of Paris imported from certain parts of the province of New Brunswick, to countervail a duty lately imposed by the legislature of that province on that article when exported from certain other parts of the same province.

On motion of Mr. TYLER, the Committee of Commerce were instructed to inquire into the expediency of so amending the law establishing a collection district at Richmond, in the State of Virginia, as to cause said district to include all the waters, &c., from the mouth of Chicahomony river up to the mouth of Apomattox river, or its junction with James river.

Bills from the Senate of the following titles, to wit: 1. "An act granting certain privileges to the Ocean Steamship Company, of New York;" and 2. "An act for the relief of Richard Smyth;" were severally read twice and referred, the former to the Committee of Commerce, and the latter to the Committee of Ways and Means.

The bill from the Senate, entitled "An act to provide for the building an addition to the custom-house now erecting in the city of New Orleans, for the use of the district court of the United States for the State of Louisiana," was read the first time.

The amendment proposed by the Senate to the bill, entitled "An act for the relief of John Steele," was read, and concurred in by the House.

Ordered, That the Committee on Foreign Relations be discharged from the further consideration of the bill from the Senate, entitled "An act authorizing the settlement of the accounts between the United States and Richard O'Brien, late American Consul at Algiers," and that it be referred to the Committee of Claims.

REVISION OF THE TARIFF.

The House then again resolved itself into a Committee of the Whole, on the bills concerning the duties on imports and the mode of their collection.

The bill now under consideration, is the bill regulating the payment of duties on merchandise imported, and for other purposes.

The question immediately before the House being on Mr. SILSBEE's motion to strike out the first section of the bill.

Mr. BALDWIN resumed and concluded the speech which he yesterday began, in support of the principles of the bill.

Mr. JOHNSON, of Virginia, followed in decided opposition to the bill.

Mr. WHITMAN, of Massachusetts, said, he was opposed to this bill. I am opposed, said he, to the whole of this grand scheme of the Committee on Manufactures, constituting, as their chairman (Mr. BALDWIN) has declared, a great system for the encouragement of national industry. That gentleman has distinctly announced that this, together with the tariff bill, now laid aside for the moment, and a bill laying duties on sales at auction, constitute this grand system. And, sir, they are all from the same standing committee, and are all referred to the same Committee of the whole House, and all tend manifestly to one object, as has been distinctly avowed by the gentleman from Pennsylvania. It is, indeed, impossible not to see that the arguments which will apply to the principle, that is, to the main scope and design of one bill, will apply equally to that of the other two. I shall therefore follow the gentleman from Pennsylvania, and consider the subject at large.

It is not a little singular that we should, at this period of our Government, for the first time have a standing Committee on Manufactures. What originated the Government of the United States? Was it constituted with a view to manufactures? Is there any specific delegation of power in our Constitution for this object? Have we even any direct control over manufacturing establishments? Can we legislate directly in regard to them? Have not the individual States exclusive and absolute control over every establishment of this kind within its own limits? Hitherto we conducted the affairs of this nation with some view to the original design of this Government. We have been content generally to do that which we were distinctly and explicitly authorized to do, viz., to regulate commerce—external commerce and commerce between the States. This was the *primum mobile* which pushed the Constitution into existence; and, while we have been content to pursue this object, the effects have been singularly fortunate.

If we look back to the period anterior to the adoption of the Constitution, and contrast it with that which has succeeded it, shall we find that there ever was an instance of any thing like this contrast in any period or in any nation in the world besides? From the most abject national poverty and distress; from a total inability to pay any portion of a Revolutionary debt—the price of our independence—of one hundred and thirty or

one hundred and forty millions of dollars; with a scarcity of circulating medium, which rendered it impossible for the citizens in our States to pay even the paltry taxes levied upon them for the support of the State governments, and, in some instances, insurrections existing on account of it; from this miserable and degraded condition we have, by the mere force of commercial regulations, authorized by the Constitution, become wealthy, powerful, and happy.

From commerce we have derived nearly all the revenue for our great national purposes. In the short period of thirty years, we have derived from it \$318,731,161, which has preserved our credit, and enabled us to pay the principal and interest of our national debt, to the amount of \$260,450,022 75. And all this almost without being perceptible to the people.

The individuals of the community have, at the same time, kept pace with the Government in the acquisition of wealth, in the increase of agriculture, in the extension of our settlements, in the enlargement of our cities, and in the embellishment of our country.

And now we are about to condemn commerce, to cripple and oppress it, and, if possible, destroy it—and for what? It is for the purpose of aiding a premature and unnatural growth of certain large manufacturing establishments.

I, sir, am in favor of manufactures to a reasonable extent, and would go any legitimate lengths for their encouragement. But I would not sacrifice other great and leading interests, and those especially which are, by the Constitution, confided to our guardianship and protection, to that of any other interest whatever. "Live and let live," it has been well remarked, is the maxim of our Government. All the great interests are to be equally protected and encouraged.

Manufactures must and will flourish in New England, when they will flourish any where in the Union. Our habits of industry, the ruggedness of our soil, the severity of our climate, and the compactness of our population, peculiarly fit us for becoming a manufacturing people.

If there be any portion of industry deserving of encouragement, it is that employed in agriculture. It is that which, with the mechanic arts attached to it, and growing with it, insures us a plenty of the necessities of life, and without which we cannot even subsist. It will secure us against famine, and prepare us to encounter the severest reverses of fortune. It is that in which nine-tenths of the people of this country are solely interested. Whatever, then, will subserve the purposes of this great leading interest, must not be neglected. In fact, every other interest should lean towards the support of this, and should have no encouragement whatever when it has, in any degree, a contrary tendency.

For the promotion of agriculture and the ordinary mechanic arts, there is nothing to be compared to commerce. The life of these depend on finding a market for their surplus products. Commerce furnishes this market. The great manufacturing scheme can never do it to an extent in any degree comparable.

Our great seaports are wholly dependent on commerce; and the country is not less dependent on seaports to furnish a ready market. The merchant contributes most effectually to general industry, and the activity of the circulating medium, and to the life and spirit of business. He sets to work more mechanics than the largest manufacturer ever can. He has in his train those who raise, cut, and procure the wooden materials for building his ships; his ship carpenters, his blacksmiths, his ropemakers, his riggers, his caulkers and gravers, his sailors and laborers—a train oftentimes amounting to from one hundred to one thousand men, constantly employed at very advantageous rates. All these are furnished with, and consume the agricultural products. Besides all this, the exports to foreign countries, annually, of agricultural products, is very large. For the last year, ending on the 31st day of December last, the authentic documents from the Treasury show the amount to have been over \$46,000,000. These exports cannot be made unless we can import at the same time, and we cannot import if duties are so high that we cannot sell but at a loss. No nation will take our products without we will take theirs in return.

If this anti-commercial project should succeed, the agriculturist is to have, here and there, a large manufacturing establishment, which, at its own price, will take from him, possibly, a quarter part as much as those depending on a single merchant, and without any chance for the exportation of the residue, or of that which would otherwise be exported. Thus it is that this scheme is entirely to ruin one class of men and impoverish another of infinitely more importance than all others to the nation.

Who are these manufacturers that are so clamorous for protection? Not those now established and doing well; they are silent. Nor the mechanics, viz., the blacksmiths, the shoemakers, the tailors, the shipwrights, the joiners, the masons, the tanners, &c., &c., that have grown with the growth of commerce and agriculture. The interests of these are to be sacrificed.

The number that calls for this sacrifice of commerce is comparatively small; they are but the dust in the balance. And what do they require of us? It is, that we should consent to pay from one-fifth to one-third more for many of the great necessities of life than we otherwise should, and, at the same time, to depress the price of labor and of the native products of our country, exclusively, for their benefit. Do not our people understand that this is to render one portion, and a thousand times the largest portion of our people, tributary to the other?

I had believed that every country, understanding its true interests, had considered it most for the interest of the citizens generally, that labor should have a destination to that species of employment which is naturally the most productive. If any one species of industry needs a contribution, and, in that way, a subduction from that of another, or of all others, it is very clear that it is, excepting in a few instances, unworthy of en-

APRIL 1820.

Revision of the Tariff.

H. OF R.

couragement; and that those engaged in it should be left to change their occupations.

It is certainly not for the interest of this nation to make any one class of men a privileged order, and allow them to live by extracting assistance from the hard earnings of others. There may be a description of manufactures, which it may be necessary we should, at all events, manufacture. They are those which cannot be procured in a time of peace, preparatory to a time of war, if any such there be. Fire-arms and implements of war have been considered as of this description. We, therefore, manufacture our small arms at an expense, perhaps, double of that at which we could import them. There may be other descriptions of manufactures which it may be wise and politic to encourage by bounties, or, which is the same thing, by laying high duties on the imported article. They are such as we cannot, at once, carry on for want of competent skill, and which, with a little encouragement, we would, in a short time, acquire. A temporary encouragement in such cases would be wise. But it can never be wise to force the growth of manufactures that will always require extraordinary aid to keep them in operation, and which are not essential to our defence in time of war. The labor employed in such manufactories would be more productive if employed elsewhere; and we have no interest in diverting the natural and most productive course of industry to that which is less so.

Whatever is reasonable and politic I am willing to do in aid of manufactures. Yet, I have no desire to see the energies of this Government wielded solely in aid of great manufacturing establishments. I have no desire to see that kind of encouragement given here, at present, which is given in Europe. There is no reason for it. The different situations of two countries demand a different course of policy. England, which we are so triumphantly called upon to imitate, furnishes no similitude in this particular; she has a population which is her strength, and with which she cannot part but with her existence, and which cannot be there employed in agriculture. Hence she is under the necessity of giving extraordinary encouragement to manufactures, in order to retain her people, constituting her physical strength, at home. Had she uncultivated lands without limit, and of the most extraordinary fertility, can we believe that she would, or that it would be wise for her, to afford these extraordinary encouragements to large manufacturing establishments?

Great manufacturing establishments are not desirable in our country. They would have an influence over the people that is to be dreaded, especially in a country like ours. Ours is a Government of sentiment. Whatever the people *will*, at any particular moment, must be done. These great manufacturing establishments have but one interest. It is an interest adverse to commerce, and oppressive to agriculture. The owners of these establishments can instantly unite, and will unite, from one extreme of the country to the other to accomplish any favorite purpose; and even in monarchies, in strong Governments, we

have seen that they are with difficulty kept from an undue influence.

In this country we have a specimen, even now, in their infancy, of what they can do here. An association in Philadelphia, calling itself a Society for the Promotion of National Industry, has its branches in every part of the Union, with which it corresponds, and which it directs, and instigates, and sets in motion, by the means of pamphlets and newspaper essays. Its inflammatory and unfounded statements have pervaded every part of the Union. Each member of the present Congress has been favored with enough to make two large volumes at least. And these have, for a moment, deluded the people, and made them believe it is wise to annihilate commerce, in order to build up great manufactories. "If they can do this in the gristle, what will they do in the bone?" The more you grant, the more they will require. Avarice is never satisfied. If you yield to them now, it will but furnish motives to come again.

After destroying commerce, you must resort to direct taxation. But you must not tax the great manufacturer. This would be against the encouragement of national industry. The farmer and the common mechanic must defray all charges. Your twenty millions of dollars annually must be levied on agriculture or agricultural products. If we should yield any thing like what is so much desired; if we should plant large manufacturing establishments all over our country, and assimilate our policy to that of England, we shall find out, when it is too late, that we have reared, in a hot-bed, an engine that can and will be brought to bear upon us, and will be wielded in a way that we do not dream of. This wide-spread combination, guided by the dictates of a common interest, will do as they have done—they will move heaven and earth to accomplish their designs. I beg leave to quote a book which has been written by one of the most ingenious and critical observers of men and things in his own, or, perhaps, in any other country. Speaking of the manufacturers in England, he says: "They are aware of their own numbers. The moral feeling which, in the peasant, is only blunted, is, in these men, debauched. A manufacturing population is always ripe for rioting. The direction which it may take is accidental. In 1780 it was against the Catholics; in 1790, against the Dissenters. Governments who found their prosperity upon manufactures sleep upon gunpowder."

It has been remarked by the honorable Speaker, that "merchants have been the pet of this country." It is true that we have done much in relation to them; but, sir, we have only done what the Constitution required. But have we not derived from this pet ample remuneration for all our care and pains? From what other class of citizens could we have derived three hundred and eighteen millions of revenue in the short space of thirty years? Would the manufacturers have consented to have been thus exclusively taxed? Could we even have derived such a revenue from the agriculturists, numerous as that body is? But it

will be said that the consumer pays this tax. That is true, and the same would be the case if it were assessed upon manufacturers. They must sell proportionably higher, according to the tax levied; and the farmer must, in order to derive the regular profit from his land and labor, in case he is taxed, add to his products in proportion to the tax. In relation to either of these three classes, in proportion as you tax them, you deprive them of ability to make a profit. If you tax the products of the merchant high, his ability to grow rich is diminished also; because the articles taxed must become dearer, and dearness diminishes consumption. The same is the case with all other classes. If you require high taxes of the farmer, his products must become proportionably dear, and no more will be consumed than is absolutely necessary for sustenance, and none will be exported. The farmer, indeed, has the advantage of the other classes. What he raises consists almost wholly of the necessities of life, and must be had to a certain extent, be the prices what they may. It is otherwise with the products of the merchant. They are almost wholly of articles which people can subsist without. High taxes upon him, therefore, are more certain to work his ruin. Yet almost all our revenue has been derived from the products of the merchant; and it has been derived in a manner that nobody complained of, in a form in nowise oppressive or burdensome; and, indeed, almost without knowing that we paid any tax at all.

In levying our tax upon the merchant, we have been guided by scarcely any other consideration than that of deriving from him the most we could get. We have asked ourselves but this question, "How much would the article bear without amounting to a prohibition, and without furnishing such an inducement to smuggling as would defeat the collection of the tax?" And by this rule, until lately, have we been governed. We have had experience enough of the inconveniences of any other mode of collecting a revenue. We have collected, since the formation of the Government, \$12,560,130 from land taxes, and but \$21,715,967 from excise. Yet the difficulties of collecting these sums have been extremely embarrassing and perplexing. The collection of the whole \$318,731,161, derived from imports, has been attended with no difficulties or perplexities whatever to the public, however it may have been to the importer, in comparison with what has been experienced from the land tax alone. Yet, this wild scheme of high duties, for the purpose of excluding importations, will inevitably drive us to land taxes and to excises.

Trade is extremely depressed, as well as every thing else. The merchants have been losing continually for several years. The changes in foreign affairs has affected them extremely; and, through them, all the other classes of the community. It certainly does not become us now to add to their depression. All the gentlemen advocating this manufacturing scheme have spoken of this extreme depressed state of trade—of the numerous failures and distresses among the mer-

chants, and some of them, I am sorry to say it, with seeming delight. We should have expected rather that something would have been done for their relief; that their sufferings would have been commiserated; and least of all should we expect that the manufacturers would pounce upon them at this moment, and endeavor to complete their ruin. It savors too much of what we too frequently meet with in common life. It is an old saying that, "when a man gets to going down hill, every one stands ready to hit him a kick." We have, surely, something like it here.

If the merchants have been the pet of this country, it is in a way that no other class of the community would like to be its pet. Whenever we have had occasion to collect revenue, it has been from the merchant, to the utmost that he could bear. Whenever we have had occasion to make sacrifices, it has been of the interest of the merchant. Look at the restrictive system, continued from 1807 to 1812, with occasional intermissions. Look at the condition of the merchant during the war. The merchant is brought up in such a manner as to be unfit for any other calling. He lays himself out to the extent of his means in wharves, stores, ships, and their cargoes. Thus situated, the restrictive system was enforced with the utmost rigor; and the merchant was cut up root and branch; and not only his personal exertions were at a stand, but his property, of the most perishing nature, was left, everywhere, to rot upon his hands. After a perseverance in this course of policy for almost five years, a war was declared, the disasters of which fell almost exclusively upon the merchant. But more yet; the Government has not only in this way made the merchants a pet, as the honorable Speaker would have it, but, after spoiliations had been committed by the French, to the amount of many millions, the Government relinquished the whole, in part payment for Louisiana; not a dollar of which, notwithstanding the numerous petitions that have been presented, has ever been paid to the merchant. And, again, the spoiliations which were committed by Spain, amounting, as is supposed, to at least fifteen millions, has been agreed to be relinquished for the Floridas; five millions alone of the consideration for which, did we agree to pay over to the individual sufferers.

And now, after suffering every disaster, and bearing every burden, and after such a change in the affairs of the world, as has subverted the former calculations of merchants, and overwhelmed them in a wide-spread ruin, you will now, I suppose, by way of continuing them to be your pet, superadd insufferable duties, and instant cash payments.

The credit heretofore extended to them for duties, is complained of as a favor. You first required of them, almost exclusively, to submit to be taxed for the entire support of Government—a tax as heavy as it was in any degree practicable to collect of them, and now complain that they were allowed any time to pay it; and now will exact cash payments, excepting on a few articles, on which you graciously condescend to give a very

APRIL, 1820.

Revision of the Tariff.

H. OF R.

short credit. You will now assail the merchant just at a time when he can scarcely keep his head above water, by adding new burdens, and demanding payment in cash, instantly. When the credit system was formed, it was predicated upon an idea that it would enable the merchant to pay more, and the amount levied was proportionably increased. The honorable Speaker says, that the merchants alone have reaped the benefit of this credit. This is a mistake. The merchants, having a credit from Government for the duties, have, not only for the duties, but for the whole amount of the articles, given an equally extended credit to the retailer, and the retailer, in his turn, to the consumer. All classes, therefore, have reaped the advantage, and equally, too, with the merchant. I know this to have been the case in the town in which the honorable Speaker lives. I once spent some time there; and the traders there purchased large quantities of goods, and brought them there from Philadelphia, wholly on credit.

It is of no inconsiderable importance for us to maintain some degree of steadiness in our commercial regulations. An old regulation to which we are accustomed, is, oftentimes, much better than a novel regulation, however good it may be, to which we have not been accustomed. The present system of giving credit has been practised upon for thirty years; it is well understood; all the arrangements of the merchants are adapted to it. The proposed regulation, in this point of view, if it were a good one, which it is far from being, is extremely odious.

But gentlemen have undertaken to assert that commerce is wholly cut up; and allege that we must not look to it any longer as a source of employment, and as affording a system of revenue. One gentleman (Mr. STORRS) has called it a rotten system. We have here a prediction, I suppose, the fulfilment of which the proposed course of measures is intended to secure. Some men will predict evil, and are so anxious to justify their pretensions to the gift of prophecy that they use their endeavors to verify the prediction. But I trust the people will consider, whatever gentlemen here may do, that what has taken place will afford no warrant for their predictions.

The Secretary of the Treasury has calculated on sixteen millions of revenue from commerce alone for the year to come; and his expectations will be realized if gentlemen here, by their mad projects, in order to secure the fulfilment of their predictions, should not succeed in their schemes. A commerce which will secure sixteen millions of revenue, is not to be despised by the Government of this or any other country.

Gentlemen have indulged themselves in many philippics against the India trade. Ignorance is often full of evil surmises. It is said it drains the country of specie. True it is, that much specie is employed in this trade; but we do not so distinctly see how much specie this trade ultimately restores to us. One thing we know; and that is, that the India merchants have accumulated immense capitals, and have seldom or never failed in business; and whenever they choose to retire from bu-

siness, have the largest command of specie of any description of merchants. If we understood the nature of the India trade, we should not, except in hostility to merchants and commerce generally, cry out against it. There is no branch of trade that ever has enriched the country like the influx of this wealth of the Indies; and, at the same time, no branch of trade that has ever paid a higher revenue to Government. These are certainly very desirable objects.

The course of the India trade is misconceived. Gentlemen merely know that immediately after the war five or six millions of specie were exported, to be employed in the India trade, and they do not see in what way this is ever to return. They do not consider that this was the capital of the India merchants, which they had before employed in this very trade, and which had, in consequence of the restrictive system and war, been accumulating on their hands in this country for seven or eight years; and that, as soon as the war was over, and the freedom of trade restored, they re-employed their capital as before. If their business were again to meet with a similar check, their specie would again resume its inactivity, and be found to have augmented very considerably during the time it had been employed. While inactive, it would be in the country, and would gratify the eye of a miser, but it would be making no augmentations. Like every other species of capital, it must be employed, in order to be productive.

The India trade is carried on in various ways. No inconsiderable portion of our large ships, with comparatively no specie, and with an equipment consisting of gewgaws and trinkets, visit the Northwest coast of America, and there traffic with the natives, and furnish themselves with peltries and things valuable in China, to which they proceed, and ultimately bring home large cargoes of teas, spices, sugars, coffee, &c. Others carry out cargoes to Europe, and there trade with European products, and proceed from thence to India. But some carry out specie almost entirely, direct to India, and return with cargoes. But gentlemen do not understand that the greater part of these India cargoes are not sold in the United States, but they are reshipped to various quarters of the globe. Not probably more than one-third of all that is imported from India has been consumed in the United States, and that third at least has been the earnings of the ships and capital employed. The amount of capital in the United States is thereby ultimately increased.

A trade that enriches all concerned can never be a bad trade. The ship-builder, the iron manufacturer, the cordage-maker, and hemp-grower, the producer of the ship-timber, the sailmaker, the mariner, and the merchant, are all enriched by it. And who is injured? Certainly no one. The consumer is not injured, because he would otherwise have to pay dearer for the same articles. If a trade, then, which injures nobody, and benefits such vast numbers, and produces such a vast portion of revenue to Government, be not a good trade, I know not what is.

I take it for granted that no man is wild enough

H. OF R.

Revision of the Tariff.

APRIL, 1820.

to deny that individual wealth is public wealth and a public blessing: that, to have large capitals in the hands of individuals is to make the country powerful; and that it increases its resources in time of danger.

The merchants are depended upon by the Government, almost exclusively, in time of distress, for loans; and none have loaned more than have the India merchants. The town in which the gentleman from Massachusetts (Mr. SILSBEE) resides, affords the most plenary proof of the advantages of the India trade, of the resources it produces, and of the value of these resources to Government. That town has been more engaged than any other of its size in this trade. The consequence is, that it has the most wealth, according to its population, of any in the United States; and in the same proportion has it afforded its aid to Government.

There is one part of the scheme of the gentleman from Pennsylvania that I would assent to. If the auction sales can be regulated by an excise, so as to prevent frauds and impositions upon the revenue, I should cheerfully vote for it. But as to his mad schemes for depressing commerce, and ruining the merchants, and burdening agriculture, I can but abhor them. He says these schemes have not come from Pittsburg. I care not where they come from. He says, too, that his proposed cash payments for duties have been recommended by the merchants. A few capitalists—men desirous of engrossing the whole of the mercantile business, to the exclusion of all the young, the active, and the enterprising, who depend on their personal resources for their success—men who are base enough to regard nothing but their own mercenary views, I grant him, have recommended his scheme. But the gentleman from Massachusetts, (Mr. SILSBEE,) who is in a situation to derive as much benefit from cash payments as any man in the United States, has honestly disclosed what will be the effects of such a system; and every honorable merchant will tell you the same. No man can fail to see the effects of this scheme who will, for a moment, look at the subject. I had supposed it to be the policy of every Government, and especially of ours, to cherish enterprise, to encourage the active, to enable the poor to become rich, and not guard the rich so that the means of acquiring wealth should be exclusively with them. Have we not, in this country, an aversion to aristocracy? And yet, here is to be erected a moneyed aristocracy—the worst of all aristocracies.

I deprecate this monstrous stride in favor of manufactures on another account. If I know my own heart, I am a friend to the reasonable and healthful growth of manufactures in our country, but not that bloated growth which tends to apoplexy. It is in the nature of all extremes to vibrate. If we now give manufactures a premature growth, the wind will change and they will be overwhelmed in utter ruin. We are now running into one extreme. The people of the country will understand, ere long, that they are taxed, and taxed, too, not for their own benefit, but for the benefit of a privileged class; that their earnings are taken from them and given to the manufacturer. The people now,

some of them at least, are deluded with the notion, that it is a fine thing to have our manufactories among ourselves. But they will awake from this dream, when they not only find that they have to pay, but to pay dearly, for this whistle. The consequence will be, that we shall be set to work to retrace our steps, and, when set to going, we shall go to the other extreme, and undo all that has been done for manufactures. We are very apt, in this country, to be running mad after some *ignis fatuus* or other. We are now running mad after manufactures; we shall next be running mad against them. Let there be an excise laid on whiskey for the support of manufactures, and then see what the constituents of the gentleman from Pennsylvania will say.

In setting ourselves to work for the encouragement of manufacturers, we should carefully feel our way. We should go no farther than we can go with a prospect of being steady in our support. Reliance upon the permanency of our encouragement will be more valuable than any increase of our favor without such reliance. A versatile policy is always destructive. We had better be content as we are, than seek for that which we cannot retain. It is an old saying, that "Better is the enemy of Well." We are always uneasy; always thinking we can do better; and always letting go our hold upon "Well," and looking for "Better;" and in this way working our own ruin. The manufactories of New England now have a moderate, but a reasonable, encouragement. We are, nevertheless, as is natural, uneasy, and want something better. We may obtain what we presently wish. But I beg to be permitted to warn my friends against their delusive hopes. It will subvert the purposes of their rivals, and bring them prematurely into competition, and finally overwhelm both us and them in one irretrievable ruin.

Mr. TRIMBLE then delivered his sentiments in favor of the bill.

There was then some conversation on the propriety of reporting the bill for increasing the duties on imports forthwith, that it might be finally acted on, and, if it passed this House, that it might be before the Senate whilst the discussion was going on here on the bill now under consideration, for requiring cash payments on certain duties, and on the other bill before the same committee, for imposing a duty of ten per cent. on the amount of sales at auction. Nothing, however, was finally settled on this head.

WEDNESDAY, April 26.

Mr. EDWARDS, of Pennsylvania, presented a petition of sundry inhabitants of Philadelphia, praying that, for the present, real estate may be exempted from taxation, and that an excise may be levied on domestic distilled spirits, both as a source of revenue to the nation, and as a protection to public morality; which was referred to the Committee of Ways and Means.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to which was referred the bill from the Senate entitled "An act for the relief

APRIL, 1820.

Revision of the Tariff.

H. OF R.

of Richard Smyth," reported the same, without amendment; and the bill was committed to a Committee of the Whole to-morrow.

Mr. SOUTHARD, from the Committee on Indian Affairs, who were instructed to inquire into the expediency of repealing the act entitled "An act making provision for the civilization of the Indian tribes adjoining the frontier settlements," passed the 3d of March, 1819, reported that it would be inexpedient to repeal the said act. Laid on the table.

Mr. McCoy, from the Committee of Claims, to which was referred the bill from the Senate entitled "An act for the relief of John H. Piatt," reported the same, without amendment; and the bill was ordered to lie on the table.

Mr. WILLIAMS, from the same committee, reported a bill for the relief of Joshua Newsom, Peter Crook, and James Rabb; which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. MACLAY, from the Committee on Pensions and Revolutionary Claims, to which was referred the bill from the Senate entitled "An act for the relief of Thomas Leiper," reported the same, without amendment; and it was committed to a Committee of the Whole to-morrow.

Mr. SILSBEE, from the Committee on Naval Affairs, to which was referred the bill from the Senate entitled "An act authorizing the building of a certain number of small vessels of war," reported the same, with an amendment; which was committed to the Committee of the Whole, to which is committed the bill to amend the act entitled "An act to authorize the employment of an additional naval force."

The bill from the Senate entitled "An act to provide for building an addition to the custom-house now erecting in the city of New Orleans, for the use of the district court of the United States for the State of Louisiana," was read the second time, and referred to the Committee on the Judiciary.

Mr. ANDERSON, from the Committee on the Public Lands, to which was referred the bill from the Senate entitled "An act confirming the proceedings of the inhabitants of the village of Cahokia, in the State of Illinois, in laying out a town on the commons of said village," reported the same, without amendment; and it was ordered to be read a third time to-morrow.

OHIO AND MICHIGAN BOUNDARY.

Mr. ANDERSON, from the Land Committee, reported, without amendment, the joint resolution, referred to them, for establishing the boundary line between the State of Ohio and the Territory of Michigan. The question being stated on ordering the resolve to be engrossed—

Mr. BRUSH moved to lay the resolve on the table, desiring time to examine it, not having been, from accident, present when the resolve was first moved.

This motion gave rise to a short debate, in which it was opposed by Mr. ANDERSON, Mr. WOODBRIDGE, and Mr. SLOAN, on the ground of

the lateness of the session, and the improbability that, if laid on the table, it would be again taken up at the present session. It was supported by Mr. ROSS and Mr. BRUSH, on the ground that the line proposed by the resolve was not the proper line, but would be injurious to the interests of the State of Ohio, without being at all beneficial to Michigan. It was important, it was admitted, that the line should now be established; but it was equally important, that, when it is established, it should be the proper line.

The resolve was ordered to lie on the table, by a vote of 60 to 44.

REVISION OF THE TARIFF.

The House then again resumed the consideration of the bill regulating the mode of collecting the duties on imports, &c. Mr. SILSBEE's motion to strike out the first section of the bill being yet under consideration.

Mr. ALEXANDER said, he hoped he should claim the indulgence of the Committee for a short time, while he expressed the reasons that would influence his mind in the decision of the subject then before it. He was aware of the disadvantages under which he labored, and trusted that he might be pardoned in assuming to himself any part of the discussion on so important a question. His apology, however, in throwing himself upon the patience of the Committee would be found in the very brief remarks that he should submit to its consideration.

I cannot permit myself, said Mr. A., to remain satisfied that the present is merely "a bill to regulate the duties on imports," which would have justified my silence on the occasion, but that it is something more, as clearly appears from the latter part of its title, and it would more properly be entitled, "a bill for the encouragement of domestic manufactures," the avowed object of its advocates. Nor can I persuade myself, continued he, notwithstanding the ingenious and imposing manner in which the subject has been placed by the honorable gentleman from Pennsylvania, (Mr. BALDWIN,) who opened the debate, that the other great interests of the country have been associated and identified with it in principle, while all due regard has likewise been paid to the revenue of the Government, no less important. Here we find ourselves unfortunately at issue, and it becomes us calmly to deliberate and weigh well the effects, before we yield our assent to the truth of a position, which, to say the least of it, is extremely problematical. The gentleman who was first in the debate (Mr. B.) has openly denounced the present system of revenue, (derivable, by much the greatest part, from duties,) as unsound and inadequate for the purposes of Government; and he declares his readiness to adopt a more permanent one, operating directly as a tax upon the people. In this opinion, he fortifies himself under the Message of the President upon the opening of the session of Congress, and the report of the Secretary of the Treasury on the state of the finances. So far as these can add strength to his argument, (and no one, I am persuaded, is more disposed to give weight to their

character than myself,) he is fully entitled to their benefit. But, if a negative can any wise grow out of an affirmative expression, I think it may be fairly-inferred in both cases.

In the one, the President informs us that "it is deemed of great importance to encourage domestic manufactures; but how far it may be practicable, paying due regard to the other great interests of the nation, is submitted to the wisdom of Congress." In the other, the Secretary observes: "It is believed that the present is a favorable moment for affording efficient protection to that increasing and important interest, (meaning manufactures,) if it can be done consistently with the general interest of the nation." Now, as far as my "wisdom" is concerned in the consideration, I am for affording them no further encouragement, "paying due regard to the other great interests of the nation;" nor do I think "it can be done consistently with the general interests of the nation." And as they use terms corresponding so precisely to express their opinions upon the subject, it is but fair to presume they must entertain corresponding ideas as to the effects of the system.

Now, the Secretary of the Treasury further remarks: "It is not probable that any modification of the existing tariff can supersede the necessity of resorting to internal taxation, if the expenditure is not diminished." This, I believe, has not been done in any case, saving the Yellow Stone expedition, and the little item that seems to have been considered as the paraphernalia of the Attorney General. "Should Congress," continues he, "deem it expedient to modify the present rate of duties, with a view to afford that protection to our cotton, woollen, and iron manufactures, which is necessary to secure to them the domestic market, the necessity of resorting to a system of internal taxation will be augmented."

Surely the President did not intend to recommend a measure that would result in a system of internal taxation, without recommending it likewise, who, upon its repeal, professed his readiness to propose its adoption again, whenever a proper occasion should occur. The opinion of the Secretary, then, may be regarded as opposed to the argument employed by the gentleman from Pennsylvania, (Mr. BALDWIN,) to show that the revenue would suffer no diminution in consequence of a modification of the existing duties, so as to give additional aid to the domestic industry of the country.

But, said Mr. A., it has lately been discovered that the present mode of supplying a revenue for the Government, is unwise, impolitic, and was never a favorite, although it has existed ever since its commencement. If any thing were wanting to disprove an argument so entirely fallacious in itself, it is furnished by the very circumstance of the long duration of the system, which is the best evidence of its popularity, and least objectionable character. That system which can carry on the operations of Government with the least expense to the nation, while it promotes its industry, must be preferable to one where all its efforts are paralyzed, by being attended with excessive burdens.

The situation of Holland may be adduced in support of the fact, that, while the capital of the country has been employed in the profits of stock, instead of increasing the productive labor of the nation, she has suffered her trade to decay, and her manufactures to become annihilated, by a ruinous and oppressive taxation, even upon the necessities of life. The same cause may be traced to the Alcala in Spain, whose attention being more directed to the protection of her colonies, and the working of her mines, than to the improved condition of the wealth of her society, by a total neglect of agriculture, she presents at this time a poor, slavish, and degraded people, without commerce, without manufactures, without industry.

It will be perceived, then, said Mr. A., that I assume, as the basis of my argument, that the branch of industry which is capable of supporting the greatest quantity of capital, is most advantageous to the community, and consequently to the nation, and should remain unfettered, unrestrained, in exclusion of the claim of any other towards encouragement; or, in other words, that nations, like individuals, might be permitted to pursue their own interests in their own way. Leaving the channel of trade perfectly free and natural, there can remain but little doubt but that, like the fluid which gives health to the system, it will seek its proper level, and contribute to the mutual benefit of each branch; and wherever the wealth of individuals has been promoted, that of the society will be augmented in an equal degree. But depress it by force of causes, and it immediately becomes like the stagnation of blood in the body, and there is danger of an apoplexy.

Statesmen, Mr. A. said, were never more uselessly employed than in attempting to direct the avenues of trade, by producing an equal division of labor among them. These depend upon circumstances as variable and undefinable as the causes that operate upon the circulating medium of a country, which, since no human ingenuity, law, or punishment, has ever yet been able to regulate, so neither are they within the control of any power, without detriment to the public interest. But it has been said, that national pride should induce us to adopt a policy countervailing that of foreign Powers, by which we throw off a state of dependency altogether in favor of the citizen, to become subjected to a greater and more intolerable degree of servitude.

Sir, said Mr. A., I should be extremely sorry to see our pride so far get the better of our judgments, as to lead to a course ruinous to the best interests of the country; little else, in fact, I humbly conceive, than an act of political infanticide, and for the encouragement of manufactures, which, like false pride, always places true beauty in the back ground. That cases may arise where it becomes necessary to resort to retaliatory measures I shall not pretend to deny, but mean only to say, that this is not one of that character; and even then they should not be adopted without proper caution and deliberation, and where there was a probability of removing the evil complained of, because their efforts are felt in a greater or less degree at home.

APRIL, 1820.

Revision of the Tariff.

H. OF R.

Even England herself, whose policy is always made the fatal example of reasoning, (and, unless we depart somewhat from the track she has marked out, I fear we shall find ourselves at last in the same wretched condition of poverty and distress which she at present exhibits, groaning under a burden of excessive taxation, which is but oppression under the best of governments,) has not found it to her advantage to exclude entirely foreign articles, many of which she is capable of producing to a high degree of perfection. Although high duties are imposed, both by England and France, upon the respective manufactures of each, dictated, not so much from a spirit of national aggrandizement as national animosity, goaded on by the clamors and insatiable avarice of monopolizing merchants and manufacturers, yet, trade is still carried on between them, under the most odious and demoralizing of all traffics. And when we call the worst passions of men into action, it is reasonable to apprehend like consequences in our Government, whose basis rests on the moral character of its citizens. It may be said that the same effect will not be produced here, because they are not intended to be prohibitory. I shall, however, consider them presently in this point of view, and endeavor to show, unless they are so to a certain degree, no advantage can be derived from the increase, but it must operate entirely as a tax upon the consumption of the country. The wines of France are permitted to be imported into England, although it is well known that certain parts of her kingdom might be made favorable to the growth of the grape; and with equal propriety, under the idea of encouraging domestic industry, ought you to extend this benefit to the inhabitants of Vevay, or any other portion of our Southern country, whose soil and climate are peculiarly suited to the cultivation of the vine, because you have it in your power to supply the whole United States. China, (who treats the commerce of the rest of the world as beggarly, and where the laborer exalts his situation little less than that of the Mandarin himself, in claiming a portion of the soil as his own,) is not shut out from the markets of England with her rich fabrics, although many of them are successfully promoted within her own dominions. Yet, even these people, for the want of a more liberal foreign intercourse, present the most abject state of poverty, ignorance, and barbarism; and, in truth, it may be said, that the laborer here is not always "worthy of his hire."

The policy cannot be otherwise than founded in the best of all possible reasons: that there can be no justice in causing fifty or an hundred times as much capital and labor to be employed at home, in the production of an article, that would be required to purchase the same of foreign manufacture. There are advantages possessed by some countries in a greater degree than others; so much so, that it would be dangerous to come in competition with them, and folly in the extreme to prosecute a policy, where would be seen failure in the very attempt, and total annihilation in the end.

This brings me to consider the situation of our country with regard to England in such a contest,

where she would occupy entirely the "vantage ground." I take it to be a correct principle for the interest of a nation, to augment as much as possible its rude products, and to exchange them for foreign commodities; and that which is good economy among private families, can hardly be bad among nations, to buy of others what we cannot make so cheaply ourselves. For, if a Government can increase the quantity of its annual exports, whatever is gained in the way of exchange is so much added to the capital of the society, and, of course, to its own wealth; and it is not correct to say, that, whatever is purchased abroad when it can be made at home, is one man's loss and another's gain; the difference of price in bringing the articles to market forming the difference in value, which may relatively be in favor of each.

Such is the very purpose for which society was established, and what would be the use of trade among individuals, were they to manufacture within themselves all that their wants might require? The mechanic of one description finds it to his advantage to buy of that of another, and thus, by the combined exertions of each, society becomes, as it were, a machine to carry on all the various operations of labor, too great for the power of any one individual to accomplish; and if nations were governed by the same selfish and contracted views, the trade and commerce of the world would soon be at an end, and all the advantages arising from them be entirely destroyed.

But it is as essential to the prosperity of a nation to encourage foreign trade, as it is for individuals the industry of each other, by a proper division of labor. Considering the rest of the world as a manufacturing people, it is more important to us that our capital should be employed in the channel through which it at present flows, in the improvement of agriculture, than that of any other. Nor do I conceive the argument of my honorable colleague, (Mr. TYLER,) to prove that we stood, in relation to the rest of the world, as a granary, which Egypt once was to Europe, and Sicily to Italy, at all shaken by that employed by the honorable gentleman from New York, (Mr. STORAS,) to show that, if it were a granary, it was that sort of granary which permitted all our grain to remain upon our hands. For, let me ask the honorable gentleman, if we were cut off from the extensive market that is now opened for the reception of our produce, and confined to the limits of the United States, would we not be more properly a granary in the sense in which he used it? England, possessing advantages peculiar to herself in this respect, where her population is dense, and wages of labor are comparatively small, find it to her interest to manufacture for the greater part of the world; whereas, on the other hand, we, whose population is sparse, and price of labor is high, find that greater profits are derived from agriculture. Such is the fair and honest course of trade that should exist among nations, that, while one should be manufacturers, the other should become the growers of the raw material; and thus, the competition of the whole world being brought to a particular market for the rude products of the soil, a monopoly to a

H. OF R.

Revision of the Tariff.

APRIL, 1820.

certain extent is obtained in the one case, while it is diminished in the other. The trade which is carried on in this way, consists in an exchange of the rude for the manufactured article, and the smaller the quantity of one which is required to purchase a greater quantity of the other, will be the proportionate value of the two. Whatever tends to diminish the value of the former, by high duties or prohibitions, operates injuriously in two ways: firstly, by enhancing the value of the foreign commodity, the price of the surplus produce of the land is diminished, and a monopoly is given to the home manufacturer and artificer, at the expense of the landed interest, by diverting a portion of its capital to another employment. And it would be an absurdity to say, the market of the world is open to you, when it must be manifest, unless you export something, you can bring nothing in return.

This, then, I take to be the case, said Mr. A., which is intended to be produced by the present measure; and, let me ask if it is just, if it is desirable, that the most valuable branch of industry should suffer, or be made to contribute to the protection of any other, than in the natural way? For one, I am prepared to say that it is not, generally speaking; and as agriculture was the first among the Greeks and Romans in their best days, who regarded all others as menial, from being unfavorable to the exercises of the Gymnasium and Campus Martius, so should it be the last to be forsaken by us. For, if such be not the effect of the system, I take it for granted the expected result will not take place. If the duty be not so high as to diminish the revenue of the country, the enhanced value of the foreign will only give an equal advance to the home manufacture; and, standing precisely in the same relation to each other, the superior quality of the former will give it a preference over the latter, and it can operate only as a tax upon the industry, without a corresponding benefit. I take the fact to be, said Mr. A., that the manufacturing interests of this country require a greater quantity of capital, in order to carry on their operations, than it is within their power to command.

It then follows, that all the capital of the nation is employed in the most natural and advantageous way in which it can be used. The deficiency can be supplied in only one of two ways—either by diverting a portion of it from one branch of trade to another, or suffering all the sources to remain uninterrupted and free, until they are filled, and then the surplus will turn itself to that employment which brings in the next greatest revenue, and will afford the proper encouragement to industry. I am disposed to adopt the latter expedient, because it is not forced, and no unnatural convulsions are likely to arise out of it to the commercial world, and to avoid the former as altogether in favor of the producer and against the consumer. And I must confess, that I do not understand this way of taxing the right hand to support the left. Let nature have her course, and she will work out her own safety. For, I lay it down as an incontrovertible position, said Mr. A., that

the general industry of a society can never exceed the capital which it employs, and increases in proportion to the increase of its capital. Whenever this takes place, it immediately seeks and finds out new and different objects, to which it is directed, and adds to the productive labor of the country.

If the fixed capital of the existing manufactures be sufficient to sustain them, I contend that they require no further support, as they possess superior advantages over any foreign, and much greater than can be expected to be enjoyed by new ones coming in competition with them; and if it be intended to raise up new manufactures, not by the creation of new, but by the diversion of old capital, it must operate as a tax upon the consumption of the country, amounting to a prohibition of all foreign productions.

It is in vain for the friends of the system to say that such is not their design; when we reason from cause to effect, and view the interests, passions, and prejudices, that lead men to action, we cannot but distrust the consequences, and look to the ultimatum of which it is capable. Suppose, for a moment, that it should succeed, to the admiration of its advocates. Can it be expected to bring the manufactures of our country (which of all other trades requires the most extensive circulation) in competition with those of foreign Powers, where labor is cheap, and who are many centuries before us, or is it intended to confine their circulation to the home market? If the former be the intent, it cannot be executed; and the latter must equally fail, since, for all valuable purposes, the agricultural part of the community are a manufacturing class, and want only those richer and finer fabrics, which it is impossible for us, within any short time, if ever, to bring to any sort of perfection. And then will the American tar, the honest defender of "free trade and sailors' rights," become, like the Chinese boatman, without a hovel to breast him from the storms of the ocean, lying upon his oars, in the bed of his own waters.

But, sir, said Mr. A., there is a point of view in which this subject excites more than ordinary concern; and I tell you, and I tell the gentleman from New York, (Mr. Gross,) there is a state of dependency more intolerable, "more unprincipled," approaching very nearly to that colonial bondage which our fathers, in the majesty of their strength, resolved to put off. It is that interest which will be created in society as powerful and ungovernable as the waves of the sea, whose very scowl, we are told, like the rude tempest, carries terror to the heart, and holds a British Parliament in duress. And whenever that interest shall predominate, the little liberty that we now breathe becomes as the taper of life—"out, out, brief candle!" You tax them; they make the people pay it.

[Here Mr. A. read a passage from 1st vol., p. 182, of Smith's *Wealth of Nations*, to show its influence on Governments.]

I speak not of those, either here or elsewhere, who advocate the system, but of the system itself. I will pursue the subject no further; but, it is my last hope, never to see that interest reared up, a

APRIL, 1820.

Revision of the Tariff.

H. OF R.

the expense of the rest, which is likely to rule the destinies of my country.

Mr. ARCHER, of Virginia, said, that the whole merits of the bill being presented by the motion under consideration, he would offer himself, for a short period, to the notice of the Committee. He had no design of abusing the patience he solicited, by going at large into the discussion of the question, which was one of the most extensive in the science of political economy. His purpose was limited to the narrow object of a brief exposition of some of the more considerable of those views of the question, and topics connected with it, which appeared to him to be the best entitled to claim attention, or the most calculated to attract it.

The first objection to the bill related to its apparent inefficacy in reference to its avowed object. The augmentation of the duties on imports which had been made when the subject had been last under the consideration of Congress, in 1816, amounted, Mr. A. believed, to an average of about twenty-five per cent. The additional augmentation contemplated by the present bill would amount, he had been informed—he had not himself made the estimate—to an average of not more than seven or eight per cent. Had the former augmentation produced, in any degree, the effect which was now designed of protection to domestic manufactures? No. We were told by the friends of the protecting system that our manufacturing establishments have gone to absolute ruin, under the protection which had been heretofore afforded them. If this representation were correct, could the increase of duties now proposed be considered sufficient for the retrieval from ruin, and efficient protection of, these establishments? If it could, the imposition which it created must be regarded as unreasonably high and oppressive, in relation to all classes of the community other than that which was intended to be protected. But if this increase could not be considered adequate to the effect which had been stated, then the imposition was nugatory to its alleged object. Take it either way, and this imposition would either be excessive, or else inadequate. In either character it was equally indefensible. Mr. A. was aware that an object larger than the alleged object of the bill, had been imputed to the framers and supporters of it. It had, he knew, been supposed, that their design extended to the inception of a system, which was to be rendered gradually progressive to positive prohibition on the admission of foreign manufactured articles, or to a rate of duties so high as to be tantamount to prohibition in its effects. It was alleged, in evidence of the entertainment and possible success of such a design, that the same topics of argument derived from the supposed advantage and propriety of the protective policy, which were employed in recommendation of the augmentation of duties now proposed, would be of equal, and greater, efficacy in the recommendation of further augmentations which might hereafter be demanded, from the force of the obvious connected consideration (which would not fail to be relied on) of the necessity of these further impositions to prevent the cost and effect of the former from being

thrown away. Mr. A. was himself far from imputing any such view as had been stated; nor, if such a system of policy ever should be proposed, could he have any fear of its success, founded, as he conceived it to be, in an obvious principle of injustice and inequality, as respected its operation on the different interests of the community, and condemned, as it unquestionably was, by an uniform experience of fruits of mischief and suffering in every country in which an experiment had been made of it. Without connecting the bill under consideration with any odious policy of this sort, it stood sufficiently divested of title to support, by reference to the demerit of its real objects and proper operations.

While upon this topic, the objects of the bill, frankness required Mr. A. to state, that he did not consider it as directed to the attainment of any object of public policy at all. He considered it as one of the instances of that practice of appeal to public authority for the relief of private distress, the remarkable prevalence of which was the unhappy characteristic of the period in which we were called upon to deliberate. A general depression and distress affected all classes of the community, the result, as was conceived, of commercial over-action, and the operation of that system of paper currency, of which some species of necromancy must have dragged us into the adoption.

The manufacturing class was supposed to partake, in a peculiar degree, of this distress, and the present bill was a project for the relief of their private adversity, through the medium of a legislative intervention. Mr. A. considered himself justified in regarding the subject in this view, both from the inadequacy of the bill to any purpose of public policy, (which had already been adverted to,) and the nature of the representations employed in its support. What were these representations? Did they relate to any inherent disadvantage, or incapacity, affecting domestic fabrics, in maintaining competition with the imported for the domestic market? Not at all. The depression affecting domestic manufacturing establishments, which was made the foundation of the demand for relief, was referred to causes accidental entirely in their access, or temporary in their operation. Excessive importations of foreign manufactured articles, the unusual reduction of their price, and of that of the labor employed in preparing them; the undue extension of domestic business, disproportionate investments of capital in a fixed form, (buildings, machinery, &c.,) the effects of a general restoration of peace, and the operation of the paper system on markets and industry: these were the causes assigned as the sources of manufacturing distress, and the grounds of legislative interposition for its remedy. But did these grounds disclose any object of general permanent policy, requiring the adoption of the measure which was pressed for adoption? Mr. A. could not perceive that they did. He considered the present bill as belonging to the same class of character with the bankrupt bill. The distinction, indeed, was to the disadvantage of the present bill, in the comparison. A bankrupt act oper-

ated only a particular injustice. The sacrifice of interest which it involved affected only a peculiar class, (the creditors of bankrupts.) It might be considered too, as a contingent, and was not a continuing sacrifice. But the imposition which the present bill, if it passed, would create, would not only be a general burden on the community, for the benefit of a peculiar class of it, but would be a certain, and was designed to be a permanent, imposition.

The impairment of manufacturing capital, furnished no sufficient reason for the adoption of the bill. The preservation of manufacturing, could not be more important than of commercial capital. The fund which supplied consumption could not be considered of greater consequence than that which afforded the means of disposal for production. No person, however, would think of a measure of the character of that now proposed for the relief of commercial distress. If the commercial capital of the country were entirely annihilated, no factitious incitement or aid to the operation of capital, in this direction, would be thought of. And why? Because occasions for the employment of capital were known always to attract capital, or create it, in pretty nearly the exact proportion of the exigency of these occasions. An occasion so essential as the disposal of the productions of a country which were elsewhere in demand, could not fail of finding means for its discharge. Even could a state of circumstances be imagined, in which there was no subsisting accumulation of capital, and no description of public currency, yet credit, or an artificial substitute of some kind, would be found to supply their place, in ministering to the operations of commerce. The remark was not less inevitably true in relation to the occasions of a country for manufactures. No fear was to be entertained of any serious or lasting defect of the essential facilities for their supply. The capital for this purpose might not indeed be derived from domestic sources; but this circumstance did not present a consideration with which the community were in any material degree concerned. It was the certainty, not the source of supply, which formed the principal subject of their interest, and was entitled to claim the chief exercise of their solicitude.

We had come to realize, in our public conduct, the justice of an expression used in reference to another and more important subject of human interest. We confessed truth with our lips, but in practice we denied it. There was scarce any person, perhaps, who did not admit the abstract proposition, that capital, in the pursuit of the modes of employment most productive of profits to its proprietors, fell, unassisted, into those which were calculated to produce the most beneficial results to the community. This was one of the principles the least liable to controversy or qualification, which were presented by the theory of a just political economy. Yet, it was in the direct contravention and overthrow of this indisputable principle, that the foundations of the policy, which was at present recommended to us, were laid.

The reason, too, which explained this principle,

it was material to understand, both on account of its own illustration, and the importance of the deductions to which it led in the discussion. The reason was to be found in the tendency of capital, uninfluenced by public authority, to be determined, as respected the modes of its employment, by demand, which furnished the standard at the same time of the utility of its employment. The expenditure of capital was directed by obvious considerations (relative to the interest of its proprietors) to subjects of the greatest and most general request; and these were the subjects and the employments of labor and capital which procured them the employments which had, in a general view, the strongest presumptions of utility in their favor. Demand was the index of the beneficial, as it was of the unbiassed, direction of capital.

The inference from this proposition was of singular importance. It was, that no direction of capital, relatively useful, could require adventitious encouragement. Why? Because this character of utility was the infallible source of adequate demand for the productions of capital employed in this direction, and adequate demand for the productions of any employment, dispensed from the necessity of its adventitious encouragement. The converse of the last proposition was equally true, that no employment, requiring factitious encouragement could be relatively useful. Why? Because this occasion for encouragement demonstrated a defect of adequate demand for its productions; and the defect of adequate demand for its productions was evidence of its want of relative utility. The force of these conclusions, in their application to domestic manufacturing establishments, was in no degree obviated by the suggestion, that the existence of adequate demand for their productions was prevented by the interchange of foreign competition; because this suggestion only proved that, although in a different condition of circumstances, in which a deficiency in the supply of foreign manufactured articles was experienced, the establishments in question would be useful; yet, under existing circumstances, in which no such deficiency was experienced, they could assert no pretension to this character of utility.

The proposition which had been stated, of the voluntary tendency of capital in a course of unbiassed distribution, to conform to the order of employment which public utility would prescribe, was, in its general acceptance, perhaps the most familiar trash in the science of political economy. We were told, in every book of elements on the subject, that the natural and most advantageous course of the distribution of capital was, in a progressive succession, from agriculture to internal trade, and thence to a foreign trade of exportation; to manufactures, or to indirect foreign trade, as peculiar circumstances might determine. Could any adequate reason be assigned for the contravention, with a view to the peculiar encouragement of manufactures, of the general laws of the distribution of capital? The ground of such a proceeding was to be found, not in sound policy, but prepossession.

It was an evident proposition, that an employ-

APRIL, 1820.

Revision of the Tariff.

H. OF R.

ment which required factitious encouragement must, in a pecuniary view, be a losing one. If, therefore, encouragement was due to domestic manufactures, it could not be in an economical view, but from their supposed subserviency to some collateral object, regarded as important—as national independence, for example. The question, in this aspect, would present itself for examination in a succeeding part of the discussion.

The freedom which had been used, in speaking of the reasonings in opposition to the bill, authorized Mr. A. in indulging the frankness of saying, that the argument employed in its support appeared to him to be founded in a series of fallacies. It was irrelevant, as respected several of the principal propositions sought to be established. It was misconceived, as respected the time and circumstances to which it was applied. It was erroneous, as respected the topics of reasoning it employed. A person would be led to suppose, from the course of observation adopted on the other side, that the question related to the importance and necessity of adequate supplies of manufactured articles, or to the abstract advantage attending the possession of domestic establishments for the attainment of these supplies. But these were propositions not liable to controversy. The question related not to the necessity or value of supplies of manufactured articles, but to the relative advantages of different methods of procuring them—to the choice to be exerted between obtaining them at a cheaper rate from foreign, or at a higher price from domestic sources. Neither did the controversy refer to any abstract superiority of domestic over foreign sources of supply, but to the mode and time of their establishment—to the choice between an artificial introduction of domestic establishments at an earlier period, attended with the charge of a burdensome system of protective duties for their support, and a natural spontaneous growth of these establishments, at a more advanced period, unattended with any system of regulation, or charge for their encouragement.

But there was no part of the argument employed in recommendation of the proposed system, which appeared so egregiously exposed to criticism, as that in which the favorable character of the present period for its introduction was asserted. The condition of general distress which characterized the existing period was admitted, and yet it was conceived to present a favorable occasion for the experiments of a policy involving an addition to the ordinary and necessary sources of expense, by which all classes of the community would be affected. The peculiar characteristic of the distress complained of, related to the depression in the price of whatever there was to sell. One strong circumstance of relief, however, had been found, in the corresponding depression in the price of the most material articles we had to buy. In such a condition of things, what was the policy recommended? An operation, by which the only circumstance of relief which the situation of the country presented, was to be cut off—by which the prices of all the most essential articles of purchase would be enhanced, whilst those of our

vendible commodities (to state the case in the most favorable view) were to remain unaltered. Beneath the picture of a policy of this sort, it could not be necessary to write the name. Mr. A. had been describing the operation of the bill, as tending to a mere purpose of private relief. But this description did not express the full character of its demerit. It was a bill against public relief.

The principal advantages anticipated from the success of the proposed system were referable to two general heads, the establishment of domestic sources of supply of manufactured articles, and the establishment or extension of a domestic market for the surplus of agricultural productions. The first of these advantages was, in the peculiar circumstances of our situation, rather nominal than real; or, in the most favorable statement of the case, far less important than had been represented. The point in which the public were interested in this respect, related principally to the character, not the source, of the supply of manufactured articles. Their interest required that this supply should be good, cheap, abundant, regular. But the supply from domestic would not be of better quality than from foreign sources. It would not be of cheaper, but, on the contrary, of dearer price, by the amount of the difference which would be created by the proposed increase of duties. It would not be more abundant or regular. In both these respects the supply from foreign sources, except in the contingency of a disturbed state of the foreign relations of the country, could be the subject of no complaint. The only real advantage, then, attending the possession of domestic establishments for the supply of manufactured articles, related to periods of war, which might be expected very rarely to occur. By the policy recommended, we were to be subjected to a constant, permanent monopoly-price of the most essential articles of consumption, for the purpose of being guarded against a price somewhat higher, in a contingent, remote, unfrequent event. A considerable enhancement of price was, in this respect, the sum of the evil which could be involved in the event of war; for the supply of no essential article was liable, in such a contingency, to be absolutely cut off. Nor was the evil consequence to be apprehended from war, liable to be incurred in any other than the single instance of a war with Great Britain. The concurring interests of the supplying countries, and the superiority of our public and commercial marine, would be a safeguard against the material obstruction of supply, from the effect of war with any other Power. The feeling of resentment prevailing against Great Britain, the result of the persevering and malignant character of her hostility, was strong and general in this country, but this feeling was not, it was to be hoped, of a nature to be susceptible of misdirection, to an unrequited and essential sacrifice of public interests. The abundance of the materials of manufacture, and the facility of conversion to a manufactured form, which the most important of them admitted, would preclude, even in a war with Great Britain, injury from the obstruction or enhanced price of supply, in any degree commensurate with the cost of

H. OF R.

Revision of the Tariff.

APRIL, 1820.

the means, which were recommended as security against the chances of it. More injury, in disturbing the regularity of supply, was to be apprehended from the effect of the proposed policy, in impairing the regularity of our demand for that supply.

Arguments were rendered palpable by example. There were few articles of more essential necessity than salt. From this characteristic of it, and our habit of reliance on external sources for supply, there was, perhaps, no article liable, in a higher degree, to enhancement in price in time of war. But salt was susceptible of supply from domestic sources, to an indefinite amount. Would any man be found to recommend the protection of domestic establishments for the preparation of salt, by such a system of duties as would insure their operation in time of peace? Yet the supply of no article was more important. Why should the policy sur-rendered in relation to this article, be proper in relation to others? If the material, in the instance of any other article, were of indigenous growth, the same reliance might be had on the resource of domestic fabrication in time of war, with which we were content in case of salt. Or, if the material were not indigenous, then the supply of it would not be less liable to obstruction, in a season of war, than that of the wrought article. In either event, the resort to high protective duties for the encouragement or preservation of the domestic manufacture, appeared to be equally unadvisable. The argument derived from the different preparations of machinery or skill, required in different departments of manufacture, was not of sufficient force to obviate or impair the correctness of the conclusion.

The principal reliance, however, of the argument in favor of the protective system, rested on its tendency to the formation of a domestic market for agricultural productions. The great and enlarging amount of our agricultural labor and productions, might be expected in the lapse of a short period. It was said, to render these productions redundant, in relation to their present markets, and an obvious policy, therefore, required the immediate substitution, through the medium of manufacturing establishments, of a domestic market; which, by its progressive extension, might have the effect of obviating, or providing a remedy for, such a condition of affairs. The answer to this representation was attended with no difficulty. It was, that the remedy sought to be provided, in the mode proposed, would be found available without any occasion for legislative regulation, by the necessary ultimate operation of the very circumstances which were thought to call for this regulation.

The population of the country being progressive with its means of subsistence, would continue to observe the proportion which it now did, to production. Production, therefore, could be expected to exhibit, relatively to domestic demand, no greater redundancy than it did at present. The redundancy anticipated, must refer to foreign demand entirely.

But the labor and capital which it would be the effect of this supposed redundant state of agricul-

tural productions to disengage from agricultural employment, must find some other mode of occupation. They could not remain unemployed; and in what direction could employment be found for them? Not in commerce, for the capacity of commerce to furnish occupation to labor and capital was determinable by the operation of foreign demand for their productions, and this demand, under the circumstances supposed, must be excluded. There was left but one resort for the employment of this disengaged labor and capital, and that was in manufactures. Not only without aid or direction, but by an impulse which could not be controlled, they must flow to fulfil this destination. The manufactures thus established, (it was to be further observed,) from the contiguity and abundance of materials, and the depressed price of these materials, which the hypothesis supposed, must of necessity be enabled to maintain, unassisted by positive encouragement, a successful competition with fabrics of foreign origin. Here, then, was the effect desired, realized, independently of any occasion for regulation. The object proposed was, through the medium of a complicated and burdensome system of duties, to provide a remedy for an anticipated contingency, and this contingency was found, upon inquiry, to introduce in its occurrence, the very remedy proposed, without necessity for any duty whatever. This effect was in consistency with the order of nature, in which evils, whether of physical or social character, resulting from her unforced operations, were invariably found to generate their proper remedies. It was the eternal effort of politicians to supersede this salutary order, which formed the source of half the mischiefs by which mankind were afflicted.

The attempt had been made to show, that the artificial introduction of a domestic market, through the medium of manufactures, was superfluous, as this market would, at the proper season, be introduced, without exertion or expense, by a spontaneous operation. But suppose the contrary to be the fact, still the advantage of the proposed policy was, to say the least of it, equivocal. There was no accession contemplated as the result of this policy, to the amount of capital or labor. The effect contemplated in this respect, was confined to a mere change of destination, as related to a portion of this amount. Nor was the diversion expected to be made to a more productive, but only (as was supposed,) to a more convenient, employment. This, however, was the slightest form of the objection. If it appertained to the scheme of our foreign policy to prosecute commercial intercourse at all with other nations, our account must be laid in the calculation of a general equality in the respective amounts of our foreign sales and purchases.

We had been accustomed to hear a great deal said on the subject of the importance of the preservation of a favorable, or at least of a just, balance of foreign trade. There was no topic connected with the knowledge of national economy so little perplexed and difficult in its nature, which appeared to be so inadequately understood as this.

APRIL, 1820.

Revision of the Tariff.

H. OF R.

of the degree of interference which was required, by good policy, to be exerted in adjusting the results of foreign commerce. The truth was, that the balance of trade, foreign or domestic, not only required no exertion of care for its preservation, but was not the subject of possible permanent derangement. Any temporary inclination which might be occasionally communicated to this balance, was liable to immediate and inevitable self-correction. The continuance, for any considerable period, of an unequal state of the foreign balance, (if such a condition of things were of possible continuance,) would operate as a mischief, instead of a benefit, to the nation in whose favor it prevailed, inasmuch as the ability of the countries against whom the balance was found, to discharge the debts created by their purchases, must, in such circumstances, become exhausted.

The supposed advantageous balance would be speedily ascertained to constitute a source of loss, and would inevitably derive its corrections not from the party to whose injury it promised to redound, but the party to whom it had been apparently fraught with advantage in the outset. A general unfavorable balance of trade could have a permanent existence against no other country than one placed in the condition of a colony; and the reason of its possible existence in the case of a colony was, that in this situation, the gain and loss of the operation were equalized and invalidated by the circumstance of their falling both on the same party, namely, the country which was the proprietor of the colony. So that this case of exception (as was the fact universally of exceptions to just rules,) tended not to the impeachment, but confirmation of the principle relied on. Although, however, the preservation of an enduring favorable balance of foreign trade was neither practicable nor desirable, there was nothing more easily practicable than the reduction, to any extent, of the amount of foreign commerce, or its total annihilation, as respected particular countries, provided regulations fraught with this result could be found susceptible of effectual execution. The first of these effects it was the tendency of the proposed policy to produce, nor did there appear any circumstance to forbid its being attended with the last of them. The reduction of demand for foreign fabrics, which it would be the effect of the introduction of domestic sources of supply to produce, must be attended with a correspondent diminution in the foreign demand for our productions, from the operation of the considerations which had been adverted to. So that, whatever might be the amount of the advantage expected to be realized from the operation of the contemplated system, in the establishment or extension of a domestic market, an equal amount of advantage must be estimated to be lost in the reduction of the extent of foreign markets consequent on the operation of the system.

Let the susceptibilities of development, attributable to our resources of production, be rated at what they might, the foreign market could not be retained in the same extent at the same time with the proposed establishment or extension of a do-

mestic market, because the essential characteristic of the source of introduction or extension of the domestic market, was its effect to produce a proportionate impairment of the demand for foreign articles, the unreduced operation of which demand formed the condition of an unreduced extension of the foreign market. The sole advantage would consist in the introduction of a partial change as respected its location. In a consideration of acquisition, the relative amounts of gain and loss would be balanced. But an extension of the same view of the subject would materially vary this conclusion. When once we had embarked in this policy of driving the countries with which we enjoyed relations of commercial intercourse, by reduction of our demand for their exports, to a system of dependence on other sources than ourselves, for the supply of their occasions of importation, what was the security that it would not be eventually extended beyond the amount rendered necessary by our withdrawal of demand, so as to comprehend the whole mass of their occasions of importation?

A resort, in particular, to the cultivation of domestic resources of supply, was almost invariably found to present irresistible temptations to its extension. Resentment, produced by the pursuit of a supposed illiberal policy on the part of a former customer, was a motive of obvious occurrence in co-operation with inducements of this description. The result, then, of the policy recommended to us in relation to the introduction of a domestic market, through the medium of the encouragement of manufactures, besides involving the certainty of a loss in the extent of the foreign market, equivalent to the acquisition of domestic market, led to an exposure to the loss of a much larger proportion, or the whole, of the foreign market. In the best result of the policy, there could be no gain in the extent of market. In a different result, a great deal, of every thing, in this respect, might be lost. A course of policy of this character could set up no pretensions to the award of an impartial judgment in its favor.

Let, then, a fair account be stated of the relative amount of advantage or disadvantage to be anticipated from the proposed system, and how would the balance stand? In reference to the supposed importance of the introduction of domestic sources of supply of manufactured articles, the whole advantage had been shown to be contingent on a particular, and not probable or frequent event. In reference to the supposed importance of the introduction or extension of a domestic market, through the medium of manufacturing establishments, the advantage had been shown, in the most favorable view of it to be equivocal.

What were the items of offset to be stated? A considerable and permanent imposition on many of the articles of most essential consumption, in the amount of the proposed increase of duties; subduction from agricultural production to the amount of the accession to manufactures; deduction from the foreign, equivalent to the acquisition of domestic market; exposure to the hazard of greater and indefinite deduction from the extent

H. OF R.

Revision of the Tariff.

APRIL, 1820.

of the same market; and, finally, the amount of the direct or other taxation, which would be rendered necessary, by the deficit in the revenue, which it would be the effect (as was admitted) of the adoption of the proposed system to occasion. How striking was the disproportion of objection to the system which this statement exhibited! Nor did this statement exhibit the whole objections.

It was to be observed further, that all the items of charge which the statement presented, were exclusive charges upon the agricultural, that is to say, upon the predominating interest of the community. The justice of the position would not be denied in relation to any other than the last of these charges—the addition which would be required to taxation; nor was it less incontrovertible in relation to this one. That no part of this addition could be derived from excise on the manufactures designed to be protected, was obvious, from the consideration that the effect of such an imposition would be to countervail, in the proportion of its amount, the operation of the protection. A resort to it, therefore, contemporaneously with the retention of the protecting duties, would be manifestly an exercise of preposterous legislation. Taxes of excise were not to be anticipated either from the genius of our legislation, which was entirely averse to them, nor, if resorted to, from the mode and place of imposition, which the same consideration would prescribe, could they fall elsewhere than on the class of consumers of the articles which were made the subjects of them. The taxation in question, therefore, would be found in no degree to affect the manufacturing interests of the country, but would operate as an exclusive burden on its other interests, for the benefit of this peculiar one. The most influential recommendation of a resort to protective duties, in any instance, had been invariably found, in its alleged tendency, to an ultimate reduction in the price of the articles in whose favor it was proposed. No indemnification of this kind, however, could be anticipated in the circumstances now under consideration. Reduction of price had but one source—augmentation in the proportion of the supply of its subject to the demand for it. In the case of the articles for which protection was proposed, the total amount of supply could experience no increase, but, on the contrary, must sustain diminution, if left to exclusive dependence and domestic resources. And in the fall, or in a greater proportion than the augmentation from domestic, the supply from foreign sources must be reduced. On this part of the subject, there was the argument of a fact which was conclusive. There were various articles comprehended in one subsisting tariff, on which, at a very early period in the history of our Government, duties so heavy had been charged as to have the effect of prohibition on their importation, as respected any purpose of a general supply. The articles alluded to were those which constituted the first class in the distribution of the former Secretary of the Treasury, Mr. Dallas, in his report upon the subject laid before Congress in the year 1816, when the subsisting tariff had been under consideration. Had these articles (manufactures

of which the principal material was leather or wood, for example,) undergone reduction of price at any time posterior to the imposition of the extraordinary duties for their protection? On the contrary, had they not maintained the disproportionately high price which they derived from the imposition of those duties, in a state continually progressive with their operation? These were articles, too, in relation to which it was to be observed that the materials were neither attended with any uncommon difficulty in the procurement, nor the preparatory acquisitions of skill, or implements, required for their manufacture, of any considerable importance. The argument of a fact like this, admitting no dispute, had no occasion for reinforcement, and left no room for the continuance of controversy.

There was a peculiar consideration affecting the condition of the larger portion of foreign manufactures, which rendered the error of attempting to substitute the supply of them from domestic sources, susceptible of being placed in a striking point of view. This consideration related to the necessary advantage which these manufactures enjoyed in comparison with the domestic, as respected the important characteristic of cheapness. The principal element in the price of any article was derived from the value of the labor employed in producing it. The principal circumstance determining the value of labor, was the value of the subsistence required for its support. The last value was determined, in its turn, by a consideration not merely of the kind and style of subsistence to which the classes employed in labor were accustomed.

But in these respects the operation of artificial social arrangements, and of their own disproportionate multiplication, in reference to the regular occasions of employment, had sunk the condition of the laboring classes, in the countries with which we enjoyed the largest share of commercial intercourse, to a very low point of depression. From the causes stated, and perhaps some others, their modes of subsistence, as respected both the quantity and description of its supply, had become, to the last degree, penurious. The amount of their pecuniary compensation had been of course proportionately affected. A laborer in those countries was in the practice of receiving scarcely a greater number of pence than one engaged in a similar mode of occupation in ours required shillings, in remuneration of his labor. The necessary result of the operation of these circumstances had been the depression of the real value, as well as pecuniary price, of the productions of labor in such countries, below the just standard of the value and price of productions of the same denomination and quality in our country. Here was a peculiarity, creating a source of recommendation of foreign manufactures, of which sound policy would teach us rather to endeavor to avail ourselves of the advantage, than obstinately to contend against it. A further source of similar advantage was found in the peculiar character and latitude of the commercial regulations, entirely inconsistent with the genius of our institutions, of which the forms

APRIL, 1820.

Revision of the Tariff.

H. OF R.

of government and polity prevailing in other countries, admitted the adoption and enforcement; regulations, of which the policy was to keep down the price of the raw material of manufacture, (like that by which the price of wool was reduced fifty per cent. in Great Britain,) or of which the design was to force an extraordinary production of the raw material, like many of the regulations of France, were exemplifications of the remark. If the question related to the propriety of availing ourselves of the physical advantages of other countries in giving direction to our commercial policy, instead of engaging in an injurious competition with these advantages, there would be no diversity of opinion as to the course to be pursued. It could not be made a question, for example, whether there would be policy in availing ourselves of, or in contending with, the advantages of France for the growth of wines and olives (supposing that our soil and climate admitted of being forced to the growth of such products,) or of the West Indies, for the supply of tropical productions. What greater reason could there be for refusing to avail ourselves of the benefit of political or social peculiarities, presented by the circumstances of other countries, or for insisting on contending with them? It might be affirmed without difficulty that no adequate reasons for such a policy could be assigned.

The East India trade had been supposed to furnish conclusions opposed to those which had been stated. But, admitting the injurious character of this trade, it was indebted for this character to circumstances of peculiar operation in no degree affecting the general results of the reasoning which had been relied on. The India trade was injurious, because, from not taking our own immediate productions, it was in fact an indirect trade, and because it was unusually remote in its returns, and not in consequence of its supposed tendency to deprive us of specie, or because it was a losing trade, from creating an unfavorable balance.

The situation of this country, as respected its commercial relations, was peculiar, and extremely favorable. Our surplus resources of agricultural productions were extraordinary, and we enjoyed, in a large admission of our productions into foreign ports, the most advantageous facilities for the development of these resources. Were we possessed of any indefeasible security for the preservation of this advantageous situation from the peculiar character of our productions, rendering them the subjects of indispensable supply to foreign nations? This was so far from being the fact, that there was perhaps scarcely one of our products of exportation which the countries we were accustomed to furnish did not enjoy capacities of producing for themselves, to the full extent of their respective occasions of consumption. For the liberal opportunities allowed us of supplying them, we were indebted principally to a circumstance foreign altogether to any peculiar character, or indispensable occasion for the supply of our productions, namely, habits of commercial intercourse, generated from the original colonial relation of all American settlements to European countries. No

eventual disavowance of connexion having been apprehended, the industry of the nations of Europe had taken its directions from a policy of precaution against interference with the productions of the colonies. It was the continuance of these directions of industry in European countries, produced chiefly by the characteristic reluctance of industry to change, as respected the modes of its employment, which formed the tenure by which we held our singular advantages in the commercial intercourse with Europe. This tenure was readily liable to rupture, and the tendency of the policy at present recommended to us was calculated to try its strength. And what was the character of the consideration for which the experiment of this perilous policy was required to be hazarded? The unattainable object of placing ourselves in a situation in which we should be enabled to supply our products to foreign nations, without proportionate purchases of their productions in return. Had an instance ever occurred in which advantages so considerable had been put to hazard on an issue so extravagant?

There was a single consideration which merited to be regarded as conclusive against the policy of contributing the proposed encouragement to manufactures, and that was derived from the fact of their inability to maintain themselves, independently of artificial support, in the neighborhood of the most abundant supply of their most essential materials. If they required further advantage in the competition with foreign fabrics, than was supplied by exemption from the multifarious expenses incident to the transport of the material, and re-transport of the wrought article between Europe and this country, the inference was irresistible against the claims which were set up, in their behalf, to extraordinary encouragement.

One of the most persuasive topics of argument employed in support of the system of encouragement, was derived from the alleged efficacy of this policy, in forwarding a condition of independence of other nations as respected all purposes of supply of essential commodity. This argument (as was the case of many others of influence in the world) derived its efficacy entirely from its vagueness. It had already been shown, that, if commercial intercourse were to be prosecuted at all with foreign nations, it could not be exempt from a condition of our receiving the productions of their soil or industry to an equal amount in value with those with which we supplied them. Absolute independence, therefore, of other nations, for purposes either of the vent of our productions, or of the supply of our wants, was an object unattainable, except by the annihilation of foreign commerce. There was no person, however, who designed a sacrifice of this extent, to the phantom which had been conjured up with the name of national independence. The peculiarities of physical and moral character and condition, which distinguished different countries and nations, bound them in an indissoluble chain of commercial intercourse, affording, at the same time, value to their various productions, and supply to their reciprocal wants, and exercise to their diversified capacities. Any

considerable and designed obstruction of this intercourse would involve the grossest contravention of reason. Of the advantages of a contrary policy, the United States presented the most striking example in human history. It was to the singular freedom of circulation which had been permitted to the productions of their industry and soil, that their unparalleled prosperity was to be principally ascribed. How egregiously, then, did those persons appear to be misled who were disposed to convert to a Chinese stagnation the current of this liberal and beneficial policy. The fact was, however, that the policy in question was endowed with no tendency of the character of that imputed to it. Its real tendency was the reverse. An extended manufacturing system led directly to the most injurious condition of commercial dependence. The modes of the production of this effect were several. The most obvious was, the influence of the system in the abstraction of capital and labor from agricultural employment. A further medium of the same result was found in the influence of an extended manufacturing population, by the extraordinary demand it created for less essential articles of consumption, (meats, &c.,) to occasion an undue diversion of land from the production of corn, the principal element of subsistence, as well as many of the most important materials of manufactures. Capital, labor, and land, the sources of supply, were all diverted, in undue and injurious proportions, from the production of the most essential subjects of supply, by the operation of an extended system of manufacturing. Such a system was, therefore, in the highest degree, unfavorable to a condition of national independence, as respected occasions of importation. It was no less so as respected those of exportation. The natural advance of countries engaged in supplying others with agricultural productions, by the correspondent growth of population and domestic demand for these productions, which accompanied that advance, led to a progressive diminution in the amount of the supply for external purposes. The occasion and demand of these countries, too, for foreign products, must undergo reduction in proportion as the domestic was found available, and came to be relied on. Both the supply, then, of the subsistence and materials of industry, from such countries to the manufacturing countries depending on them, and their consumption of the manufactures of these last countries, must be liable to a declension perpetually progressive, as respected their amounts. The operation of this state of things on the manufacturing countries required no explanation. Let the occasional influence of unfavorable seasons on political vicissitudes, in affecting the regularity of commercial supply and demand, be regarded, in addition, and the true character of the policy under discussion, in the relation in which it was now examined, would be presented in a just point of view. The effects of this policy were not, indeed, susceptible of complete realization, as respected a country of the immense and almost boundless extent and capacity of production of the United States. The developement of its operation would, however, be complete as respected the different sections of

the country, considered in their relations to each other. The sections in which the manufacturing system should come to prevail extensively, (the northern, &c.,) must be subjected to a dependence, such as had been described, on the quarter which would remain exclusively engaged in agriculture, (the southern section.) If the parts were destined to a disseverance of their present political confederacy, the disadvantage of such a state of things as had been described, to the northern section, would be aggravated beyond its effect in the case of an ordinary foreign nation, by the influence of inevitable political jealousies, and the feelings generated by the rivalry of neighborhood. If the confederacy were to continue, on the other hand, a predominating influence would be acquired to the southern section in the General Council and Administration. Such an inclination of the balance of influence would, (in the opinion of Mr. ARCHER,) be attended with far less hazard, of an abusive or injurious employment of the power it would convey, than an inclination in the contrary direction. Inclination in any direction, however, produced by artificial means, was no subject for approbation.

But the objection of greatest force to an extended manufacturing system related to the character of the population it had a tendency to form. What kind of population was it? A population distorted and decrepid, as respects both bodily and mental endowments, equally marked by imbecility and abasement. How unlike our ancestors achieving the Revolution, or meriting the splendid eulogy which described them as pursuing the objects of commercial enterprise, with equal intrepidity, sagacity, and perseverance, under every variety of difficulty and climate, beneath the equinoctial heats, or amid the tumbling mountains of ice, under the frozen serpent of the pole! In large manufacturing establishments, the worst evils, physical and moral, found their source or refuge. It was in such nurseries that pestilence was most accustomed to take its birth and collect its venom. It was in these armories that death best delighted to forge his arrows, and made the first and most effectual essay of their virtue. The moral evils derived from the same sources were of a character no less conspicuous. It was not less true of moral than it was of material subjects, that, when collected and kept in groups and masses, they were prone to undergo a fermentive process, and to assume a putrefactive condition. Among civilized nations, accordingly, the heated and surcharged atmosphere of extensive manufacturing establishments was found to present the situation most unfavorable to moral sanity.

It was in a political view, however, that the evil of an extended manufacturing population was the most striking. This portion of population was not to be excluded from political rights. And what was their qualification likely to prove for the exercise of such rights? In the most favorable general estimate, depending for the means of occupation and subsistence on the class of employers, they were to be regarded as liable to become the mere instruments of that class, in the discharge of political functions. This was no ordinary evil. But,

APRIL, 1820.

Revision of the Tariff.

H. OF R.

let occasions of severe general distress, or political excitement, be taken into view, and in what light was this population then to be regarded? As an element of civil distemper, distributed through the State, liable, with the slightest incitement from accident or mismanagement, to be awakened into paroxysm. Nor were the disorders to which this description of population was prone by any means the most injurious of the evils attendant on it. A far worse characteristic was its tendency, through the medium of this liability to disorder, to give occasion to an arbitrary administration of Government, and, finally, to injurious modifications of the form of it. By the frequent recurrence of civil disorders, or manifestation of disposition to them, Government became supplied with incitements and opportunity for the exercise and permanent assumption of dangerous powers, and their subjects with inducements for submission to them, as a refuge against more intolerable calamities. These views were neither visionary nor questionable. They derived abundant confirmation from the suggestions both of reason and experience. Other nations, indeed, had not always had it in their power to avoid the admission of a manufacturing policy to a considerable extent. There were circumstances distinguishing the physical or political condition of some countries, and a stage in the progress of society, of which an extensive prevalence of the manufacturing system was to be considered the natural result or attendant. The peculiarity of the error of which we evinced a disposition to be guilty, would consist in the voluntary, artificial, and premature introduction of this system, which other nations had wanted, and we ourselves might eventually want, the power to escape from. With those, however, who entertained a different opinion as respected the value of the system, the objection to premature introduction ought to have an undiminished weight, as this mode of introduction could not fail to be attended with an impairment, both of its stability and advantages.

The true operation of this manufacturing policy was so clearly evinced, in the greater liability of the manufacturing classes to suffering in seasons of distress, that, if the question could be entirely disconnected from sympathy for subsisting or recent distress, the expectation was no unfair one, that the room for diversity of opinion would be materially diminished. In relation to this part of the subject, however, it was to be recollected, that the occasion furnished no proper scope for the indulgence of sympathy; and, in a juster view of the question, it could not be good policy to maintain, by the force of legislation, a system which it would not be good policy to originate.

On the view of the proposed policy which related to its probable operation on the revenue, (which, in its general results, was perhaps sufficiently obvious,) Mr. A. would only make the single remark, that when the interests of revenue and manufactures were both admitted to be suffering under severe depression, the policy must, to say the least of it, be questionable, which proposed the sacrifice of one, and that not the least important, of these interests, for the promotion of the other.

Upon the whole, Mr. A. regarded the bill as involving an imposition considerable in amount, and which was neither just in its principle nor equal in its operation. The beneficial results anticipated from its adoption he considered as illusory, and conceived, on the contrary, that its operation would be found fraught with no ordinary detriment to the most essential interests of the community. He could not but hope, therefore, that it would obtain the singular testimony to its merit which the chairman of the committee (Mr. BALDWIN) had spoken of as the most conclusive and unquestionable, viz: that of giving dissatisfaction to every part of the House. This praise it had already earned, as respected one quarter of the House; and it was attended by the hearty good wishes of Mr. A. for similar success in every other quarter. To the general principle of this measure, he could not express his objection more aptly than in the reason assigned by an ancient English patriot, when called to expiate his attachment to liberty on the scaffold, for resistance to an arbitrary Government. He said he had never been able to discover that "some men came into the world with saddles on their backs, and others booted and spurred to ride them." Neither could Mr. A. admit that parties came into the Federal Union in any such relative conditions. And he would take occasion to warn gentlemen who thought, by means of the present or any other injustice, to mount upon the backs of the Southern people, that they would find their seats neither pleasant, nor so entirely secure but that they might chance to encounter a fall, from the effects of which it might not be easy to recover.

Mr. CLAY, of Kentucky, addressed the Chair as follows:

Mr. Chairman, whatever may be the value of my opinions upon the interesting subject now before us, they have not been hastily formed. It may possibly be recollected by some gentlemen that I expressed them when the existing tariff was adopted; and that I then urged that the period of the termination of a war, during which the manufacturing industry of the country had received a powerful spring, was precisely that period when Government was alike impelled, by duty and interest, to protect it against the free admission of foreign fabrics, consequent upon a state of peace. I insisted, on that occasion, that a less measure of protection would prove more efficacious, at that time than one of greater extent at a future day. My wishes prevailed only in part; and we are now called upon to decide whether we will correct the error which, I think, we then committed.

In considering the subject, the first important inquiry that we should make is, whether it be desirable that such a portion of the capital and labor of the country should be employed, in the business of manufacturing, as would furnish a supply of our necessary wants? Since the first colonization of America, the principal direction of the labor and capital of the inhabitants has been to produce raw materials for the consumption or fabrication of foreign nations. We have always had, in great abundance, the means of subsistence, but we have

H. OF R.

Revision of the Tariff.

APRIL, 1820.

derived chiefly from other countries our clothes and the instruments of defence. Except during those interruptions of commerce arising from a state of war, or from measures adopted for vindicating our commercial rights, we have experienced no very great inconvenience heretofore from this mode of supply. The limited amount of our surplus produce, resulting from the smallness of our numbers, and the long and arduous convulsions of Europe, secured us good markets for that surplus in her ports or those of her colonies. But those convulsions have now ceased, and our population has reached nearly ten millions. A new epoch has arisen, and it becomes us to deliberately contemplate our own actual condition, and the relations which are likely to exist between us and the other parts of the world. The actual state of our population, and the ratio of its progressive increase when compared with the ratio of the increase of the population of the countries which have hitherto consumed our raw produce, seem to me alone to demonstrate the necessity of diverting some portion of our industry from its accustomed employment. We duplicate our population in about the term of twenty-five years. If there be no change in the mode of exerting our industry, we shall duplicate, in the same term, the amount of our exportable produce. Europe, including such of her colonies as we have free access to, taken altogether, does not duplicate her population in a shorter term probably than one hundred years. The ratio of the increase of her capacity of consumption, therefore, is to that of our capacity of production as one is to four. And it is manifest, from this simple exhibition of the powers of the consuming countries, compared with those of the supplying country, that the former are inadequate to the latter. It is certainly true, that a portion of the mass of our raw produce, which we transmit to her, revert to us in a fabricated form, and that this return augments with our increasing population. This is, however, a very inconsiderable addition to her actual ability to afford a market for the produce of our industry.

I believe that we are already beginning to experience this want of capacity in Europe to consume our surplus produce. Take the great articles of cotton, tobacco, and breadstuffs. For the latter we have scarcely any foreign demand. And is there not reason to believe that we have reached, if we have not passed, the maximum of the foreign demand for the other two articles? Considerations connected with the cheapness of cotton, as a raw material, and the facility with which it can be fabricated, will probably make it be more and more used as a substitute for other materials: But after you allow to the demand for it the utmost extension of which it is susceptible, it is yet limited—limited by the number of persons who use it, their wants, and their ability to supply them. If we have not reached, therefore, the maximum of the foreign demand—as I believe we have—we must soon fully satisfy it. With respect to tobacco, that article afforded an enjoyment not necessary, as food and clothes are, to human existence, the foreign demand for it is still more preca-

rious, and I apprehend that we have already passed the limits of it. It appears to me, then, that if we consult our interest merely, we ought to encourage home manufactures. But there were other motives recommending it, of not less importance.

The wants of man may be classed under three great heads—food, raiment, and defence. They are felt alike in the state of barbarity and in that of civilization. He must be defended against the ferocious beasts of prey in the one condition, and against the ambition, violence, and injustice, incident to the other. If he seeks to obtain a supply of those wants, without giving an equivalent, he is a beggar or a robber; if, by promising an equivalent which he cannot give, he is fraudulent; and if by a commerce, in which there is perfect freedom on his side, whilst he meets with nothing but restrictions on the other, he submits to an unjust and degrading inequality. What is true of individuals is equally so of nations. The country, then, which relies upon foreign nations for either of those great essentials, is not in fact, independent. Nor is it any compensation for our dependence upon other nations, that they also are dependent upon us, if it were true. Every nation should anxiously endeavor to establish its absolute independence, and, consequently, to feed and clothe and defend itself. If it rely upon a foreign supply, that may be cut off by the caprice of the nation making it, by war with it, or by war even with other nations. But it is not true that any other nations depend upon us in a degree any thing like equal to that of our dependence upon them, for the great necessities to which I have referred. Every other nation seeks to supply itself with them from its own resources; and so strong is the desire which they feel to accomplish this purpose, that they exclude the cheaper foreign article for the dearer home production. Witness the English policy in regard to corn. So selfish, in this respect, is the conduct of the other Powers, that, in some instances, they even prohibit the produce of the industry of their own colonies, when it comes into competition with the produce of the parent country. All other countries but our own exclude, by high duties, or absolute prohibitions, whatever they can, respectively, produce within themselves. The truth is, and it was in vain to disguise it, that we are a sort of independent colonies of England—politically free, commercially slaves. Gentlemen tell us the advantages of a free exchange of the produce of the world. But they tell us of what never has existed, does not exist, and perhaps never will exist. They invoke us to give perfect freedom on our side, whilst, in the ports of every other nation, we are met with a code of odious restrictions, shutting out entirely a great part of our produce, and letting in only so much as they cannot possibly do without. I will hereafter examine their favorite maxim, of leaving things to themselves, more particularly. At present I will only say, that I am, too, a friend to free trade, but it must be free trade of perfect reciprocity. If the governing consideration were cheapness; if national independence were to weigh nothing; if honor nothing; why not subsidize foreign Powers to de-

APRIL, 1820.

Revision of the Tariff.

H. OF R.

fend us? Why not hire Swiss or Hessian armies to protect us? Why not get our arms of all kinds, as we do, in part, the blankets and clothing of our soldiers, from abroad? We should probably consult economy by these dangerous expedients.

But, say gentlemen, there are to the manufacturing system some inherent objections which should induce us to avoid its introduction into this country; and we are warned by the example of England, by her pauperism, by the vices of her population, her wars, &c. It would be a strange order of Providence, if it were true, that he should create necessary and indispensable wants, and yet should render us unable to supply them, without the degradation or contamination of our species.

Pauperism is, in the general, the effect of an overflowing population. Manufactures may, undoubtedly, produce a redundant population; but so may commerce, and so may agriculture. In this respect they are alike; and, from whatever cause the disproportion of a population to the subsisting faculty of a country may proceed, its effect of pauperism is the same. Many parts of Asia would exhibit, perhaps, as afflicting effects of an extreme prosecution of the agricultural system, as England can possibly furnish respecting the manufacturing. It was not, however, fair to argue from these extreme cases, against either the one system or the other. There are abuses incident to every branch of industry, to every profession. It would not be thought very just or wise to arraign the honorable professions of law and physic, because the one produces the pettifogger, and the other the quack. Even in England, it had been established by the diligent search of Colquhoun, from the most authentic evidence, the judicial records of the country, that the instances of crime were much more numerous in the agricultural, than in the manufacturing districts; thus proving that the cause of wretchedness and vice, in that country, was to be sought for, not in this or that system, so much as in the fact of the density of its population. France resembles this country more than England, in respect to the employments of her population; and we do not find that there is any thing in the condition of the manufacturing portion of it which ought to dissuade us from the introduction of it into our own country. But even France has not that great security against the abuses of the manufacturing system, against the effects of too great a density of population, which we possess in our waste lands. Whilst this resource exists we have nothing to apprehend. Do capitalists give too low wages; are the laborers too crowded, and in danger of starving? The unseated lands will draw off the redundancy, and leave the others better provided for. If an unsettled province, such as Texas, for example, could, by some convulsion of nature, be wafted along side of, and attached to, the island of Great Britain, the instantaneous effect would be, to draw off the redundant portion of its population, and to render more comfortable both the emigrants and those whom they would leave behind. I am aware that, whilst the public domain is an acknowledged security against the abuses of the manufacturing,

or any other system, it constitutes, at the same time, an impediment, in the opinion of some, to the success of manufacturing industry, by its tendency to prevent the reduction of the wages of labor. Those who urge this objection have their eyes too much fixed on the ancient system of manufacturing, when manual labor was the principal instrument which it employed. During the last half century, since the inventions of Arkwright, and the long train of improvements which followed, the labor of machinery is principally used. I have understood, from sources of information which I believe to be accurate, that the combined force of all the machinery employed by Great Britain, in manufacturing, is equal to the labor of one hundred millions of able-bodied men. If we suppose the aggregate of the labor of all the individuals which she employs in that branch of industry to be equal to the united labor of two millions of able-bodied men, (and I should think it does not exceed it,) machine labor will stand to manual labor, in the proportion of one hundred to two. There cannot be a doubt that we have skill and enterprise enough to command the requisite amount of machine power.

There are, too, some checks to emigration from the settled parts of our country to the wastelands of the West. Distance is one, and it is every day becoming greater and greater. There exists, also, a natural repugnance (felt less, it is true, in the United States than elsewhere, but felt even here) to abandoning the place of our nativity. Women and children, who could not migrate, and who would be comparatively idle if manufactures did not exist, may be profitably employed in them. This is a very great benefit. I witnessed the advantage resulting from the employment of this description of our population, in a visit which I lately made to the Waltham manufactory, near Boston. There some hundreds of girls and boys were occupied in separate apartments. The greatest order, neatness, and apparent comfort, reigned throughout the whole establishment. The daughters of respectable farmers—in one instance I remember the daughter of a Senator in the State Legislature—were usefully occupied. They would come down to the manufactory, remain perhaps some months, and return, with their earnings, to assist them throughout the year. But one instance had occurred, I was informed by the intelligent manager, of doubtful conduct on the part of any of the females, and after she was dismissed, there was reason to believe that injustice had been done her. Suppose that establishment to be destroyed, what would become of all the persons who are thus engaged so beneficially to themselves, and so usefully to the State? Can it be doubted that, if the crowds of little boys and girls who infest this Capitol, and assail us every day, at its very doors, as we come in and go out, begging for a cent, were employed in some manufacturing establishment, it would be better for them and the city? Those who object to the manufacturing system, should recollect, that constant occupation is the best security for innocence and virtue, and that idleness is the parent of vice

and crime. They should contemplate the laboring poor with employment, and ask themselves what would be their condition without it. If there are instances of hard taskmasters among the manufacturers, so there are in agriculture. The cause is to be sought for, not in the nature of this or that system, but in the nature of man. If there are particular species of unhealthy employment in manufacturing, so there are in agriculture also. There has been an idle attempt to ridicule the manufacturing system, and we have heard the expressions "spinning jenny tenure." It is one of the noblest inventions of human skill. It has diffused comforts among thousands who would have never enjoyed them but for it; and unborn millions will bless the man who invented it. Three inventions have distinguished the last half century, each of which, if it had happened at long intervals of time from the other, would have been sufficient to constitute an epoch in the progress of the useful arts. The first was that of Arkwright; and our own country was entitled to the merit of the other two. The world is indebted to Whitney for the one, and to Fulton for the other. Nothing is secure against the shafts of ridicule. What would be thought of a man who should speak of a cotton gin tenure, or a steam-boat tenure? In one respect there is a great difference in favor of manufactures, when compared with agriculture. It is the rapidity with which the whole manufacturing community avail themselves of an improvement. It is instantly communicated and put in operation. There is an avidity for improvement in the one system, an aversion from it in the other. The habits of generation after generation pass down the long tract of time, in perpetual succession, without the slightest change in agriculture. The ploughman who fastens his plough to the tails of his cattle, will not own that there is any other mode equal to his. An agricultural people will be in the neighborhood of other communities who have made the greatest progress in husbandry, without advancing in the slightest degree. Many parts of our country are one hundred years in advance of Sweden in the cultivation and improvement of the soil.

It is objected, that the effect of the encouragement of home manufactures, by the proposed tariff, will be, to diminish the revenue from the customs. The amount of the revenue from that source will depend upon the amount of importations, and the measure of these will be the value of the exports from this country. The quantity of the exportable produce will depend upon the foreign demand; and there can be no doubt that, under any distribution of the labor and capital of this country, from the greater allurements which agriculture presents than any other species of industry, there will be always a quantity of its produce sufficient to satisfy that demand. If there be a diminution in the ability of foreign nations to consume our raw produce, in the proportion of our diminished consumption of theirs, under the operation of this system, that will be compensated by the substitution of a home to a foreign market, in the same proportion. It is true, that we

cannot remain in the relation of seller only to foreign Powers, for any length of time; but if, as I have no doubt, our agriculture will continue to supply, as far as it can profitably, to the extent of the limit of the foreign demand, we shall receive not only in return many of the articles on which the tariff operates, for our own consumption, but they may also form the objects of trade with South America and other Powers, and our comforts may be multiplied by the importation of other articles. Diminished consumption, in consequence of the augmentation of duties, does not necessarily imply diminished revenue. The increase of the duty may compensate the decrease in the consumption, and give you as large a revenue as you before derived.

Can any one doubt the impolicy of Government resting solely upon the precarious resource of such a revenue? It is constantly fluctuating. It tempts us, by its enormous amount, at one time, into extravagant expenditure; and we are then driven, by its sudden and unexpected depression, into the opposite extreme. We are seduced by its flattering promises into expenses which we might avoid; and we are afterwards constrained, by its treachery, to avoid expenses which we ought to make. It is a system under which there is a sort of perpetual war between the interest of the Government, and the interest of the people. Large importations fill the coffers of Government, and empty the pockets of the people. Small importations imply prudence on the part of the people, and leave the Treasury empty. In war the revenue disappears; in peace it is unsteady. On such a system the Government will not be able much longer exclusively to rely. We all anticipate that we shall have shortly to resort to some additional supply of revenue within ourselves. I was opposed to the total repeal of the internal revenue. I would have preserved certain parts of it at least, to be ready for emergencies, such as now exists. And I am, for one, ready to exclude foreign spirits altogether, and substitute to the revenue levied on them a tax upon the spirits made within the country. No other nation lets in so much of foreign spirits as we do. By the encouragement of home industry you will lay a basis of internal taxation, when it gets strong, that will be steady and uniform, yielding alike in peace and in war. We do not derive our ability from abroad to pay taxes. That depends upon our wealth and our industry; and it is the same, whatever may be the form of levying the public contributions.

But it is urged, that you tax other interests of the State to sustain manufacturers. The business of manufacturing, if encouraged, will be open to all. It is not for the sake of the particular individuals who may happen to be engaged in it that we propose to foster it, but it is for the general interest. We think that it is necessary to the comfort and well being of society, that fabrication, as well as the business of production and distribution, should be supported and taken care of. Now, if it be even true that the price of the home fabric will be somewhat higher, in the first instance, than the rival foreign article, that consideration ought

APRIL, 1820.

Revision of the Tariff.

H. OF R.

not to prevent our extending reasonable protection to the home fabric. Present temporary inconvenience may be well submitted to, for the sake of future permanent benefit. If the experience of all other countries be not utterly fallacious; if the promises of the manufacturing system be not absolutely illusory, by the competition which will be elicited in consequence of your parental care, prices will be ultimately brought down to a level with the foreign commodity. Now, in a scheme of policy which is devised for a nation, we should not limit our views to its operation during a single year, or for even a short term of years. We should look at its operation for a considerable time, and in war as well as peace. Can there be a doubt, thus contemplating it, that we shall be compensated by the certainty and steadiness of the supply, in all seasons, and the ultimate reduction of the price, for any temporary sacrifices we make? Take the example of salt, which the ingenious gentleman from Virginia (Mr. ARCHER) has adduced. He says during the war the price of that article rose to ten dollars per bushel, and he asks if you would lay a duty, permanent in its duration, of three dollars per bushel, to secure a supply in war. I answer no, I would not lay so high a duty. That which is now proposed, for the encouragement of the domestic production, is only five cents per bushel. In forty years the duty would amount only to two dollars. If the recurrence of war shall be only after intervals of forty years peace, (and we may expect it probably oftener,) and if, when it does come, the same price should again be given, there will be a clear saving of eight dollars, by promoting the domestic fabrication. All society is an affair of mutual concession. If we expect to derive the benefits which are incident to it, we must sustain our reasonable share of its burdens. The great interests which it is intended to guard and cherish, must be supported by their reciprocal action and reaction. The harmony of its parts is disturbed—the discipline which is necessary to its order is incomplete, when one of the three great and essential branches of its industry is abandoned and unprotected. If you want to find an example of order, of freedom from debt, of economy, of expenditure falling short of rather than exceeding income, you will go to a well regulated family of a farmer. You will go to the house of such a man as Isaac Shelby. You will not find him resorting to taverns, engaged in broils, prosecuting angry law suits. You will behold every member of his family clad with the produce of their own hands, and usefully employed—the spinning wheel and the loom in motion by day-break. With what pleasure will his wife carry you into her neat dairy, lead you into her store-house, and point to the table cloths, the sheets, the counterpanes, which lie on this shelf for her daughter Sally, or that for Nancy, all prepared in advance, by her provident care, for the day of their respective marriages. If you want to see an opposite example, go to the house of a man who makes nothing at home, whose family resorts to the store for every thing. You will find him, perhaps, in the tavern or the store at the cross roads. He is engaged, with the rum

grog on the table, taking depositions to make out some case of usury or fraud; or perhaps he is furnishing to his lawyer the materials to prepare a long bill of injunction in some intricate case. The sheriff is hovering about his farm to serve some new writ. On court days (he never misses attending them) you will find him eagerly collecting his witnesses to defend himself against the merchants' and doctors' bills. Go to his house, and, after the short and giddy period that his wife and daughters have flirted about the country in their calico and muslin gowns, what a scene of discomfort and distress is presented you there! What the individual family of Isaac Shelby is, I wish to see the nation in the aggregate. But I fear we shall shortly have to contemplate its resemblance in the opposite picture. If statesmen would carefully observe the conduct of private individuals in the management of their own affairs, they would have much surer guides, in promoting the interest of the State, than the visionary speculations of theoretical writers.

The manufacturing system is not only injurious to agriculture, but, say its opponents, it is injurious also to foreign commerce. We ought not to conceal from ourselves our present actual position, in relation to the other Powers. During the long war which has so much convulsed Europe, and which will probably be succeeded by a long peace, we transacted the commercial business of other nations, and largely shared, with England, the carrying trade of the world. Now, every other nation is anxiously endeavoring to transact its own business, to rebuild its marine, and to foster its navigation. The consequence of the former state of things was, that our mercantile marine and our commercial employment were enormously disproportionate to the exchangeable domestic produce of our country. And the result of the latter will be, that, as the exchanges between this country and other nations will hereafter consist principally, on our part, of our domestic produce, that marine and that employment will be brought down to what is necessary to effect those exchanges. I regret exceedingly this reduction. I wish that the mercantile class could enjoy the same extensive commerce that they did formerly. But, if they cannot, it would be a folly to repine at what is irrecoverably lost, and we should rather seek to adapt ourselves to the new circumstances in which we find ourselves. If, as I think, we have reached the maximum of the foreign demand for our three great staples, cotton, tobacco, and flour, no man will contend that we should go on to produce more and more, to be sent to the glutted foreign market and consumed by devouring expenses, merely to give employment to our tonnage and our foreign commerce. It would be extremely unwise to accommodate our industry to produce, not what was wanted abroad, but cargoes for our unemployed ships. I would give to our foreign trade every legitimate encouragement, and extend it wherever it can be extended profitably. Hitherto it had been stimulated too highly, by the condition of the world, and our own policy acting on that condition. And we are reluctant to believe that we

must submit to its necessary abridgment. The habits of trade; the tempting instances of enormous fortunes which had been made by the successful prosecution of it, were such that we turn with regret from the pursuit of it; we still cherish a lingering hope; we persuade ourselves that something will occur, how or what it may be we know not, to revive its former activity; and we would push into every untried channel, grope through the Dardanelles into the Black Sea, to restore its former profits. I repeat it, let us proclaim to the people of the United States the incontestable truth, that our foreign trade must be circumscribed by the altered state of the world; and, leaving it in possession of all the gains which it can now possibly make, let us present motives to the capital and labor of our country to employ themselves in fabrication at home. There was no danger that, by a withdrawal of that portion which is unprofitably employed on other objects, and an application of it to fabrication, our agriculture would be too much cramped. The produce of it would always come up to the foreign demand. Such were the superior allurements belonging to the cultivation of the soil to all other branches of industry, that it would always be preferred when it can be profitably followed. The foreign demand would, in any conceivable state of things, limit the amount of the exportable produce of agriculture. The amount of our exportations would form the measure of our importations, and, whatever these may be, they will constitute the basis of the revenue derivable from customs.

The manufacturing system is favorable to the maintenance of peace. Foreign commerce is the great source of foreign wars. The eagerness with which we contend for every branch of it; the temptations which it offers, operating alike upon us and on foreign competitors, produce constant collisions. No country on earth, by the extent of its superficies, the richness of its soil the variety of its climate, contains within its own limits more abundant facilities for supplying all our rational wants than ours does. It is not necessary or desirable, however, to cut off all intercourse with foreign Powers. But, after securing a supply, within ourselves, of all the great essentials of life, there will be ample scope still left for preserving such an intercourse. If we had no intercourse with foreign States, if we adopted the policy of China, we should have no external wars. And in proportion as we diminish our dependence upon them, shall we lessen the danger of the recurrence of war. Our late war would not have existed if the councils of the manufacturers in England had been listened to. They finally did prevail, in their steady and persevering effort to produce a repeal of the Orders in Council; but it was too late to prevent the war. Those who attribute to the manufacturing system the burdens and misfortunes of that country, commit a great error. These were probably a joint result of the operation of the whole of her systems, and a larger share of it was to be ascribed to her foreign commerce, and to the ambition of her rulers, than to any other cause. The war of our Revolution, in which that ambition displayed its monstrous

arrogance and pretensions, laid the broad foundation of that enormous debt under which she now groans.

The tendency of reasonable encouragement to our home industry is favorable to the preservation and strength of our Confederacy. Now our connexion is merely political. For the sale of the surplus of the produce of our agricultural labor, all eyes are constantly upon the markets of Liverpool. There is scarcely any of that beneficial intercourse, the best basis of political connexion, which consists of the exchange of the produce of our labor. On our maritime frontier there had been too much stimulus, an unnatural activity; in the great interior of the country, there exists a perfect paralysis. Encourage fabrication at home, and there would instantly arise animation and a healthful circulation throughout all the parts of the Republic. The cheapness, and fertility, and quality, of our waste lands, offer such powerful inducements to cultivation, that our countrymen are constantly engaging in it. I would not check this disposition by hard terms in the sale of it. Let it be easily accessible to all who wish to acquire it. But I would countervail this predilection by presenting to capital and labor motives for employment in other branches of industry. Nothing is more uncertain than the pursuit of agriculture, when we mainly rely upon foreign markets for the sale of its surplus produce. In the first place, it is impossible to determine, a priori, the amount of this surplus; and, in the second, it is equally impossible to anticipate the extent of the foreign demand. Both the one and the other depend upon the seasons. From the fluctuations incident to these, and from other causes, it may happen that the supplying country will, for a long series of years, have employed a larger share of its capital and labor than is wise, in production to supply the wants of the consuming countries, without becoming sensible of its defect of policy. The failure of a crop, or the failure of a market, does not discourage the cultivator. He renews his labors another year, and he renews his hopes. It is otherwise with manufacturing industry. The precise quantum of its produce, at least, can with some accuracy be previously estimated. And the wants of foreign countries can be with some probability anticipated.

I am sensible, Mr. Chairman, if I have even had a success, which I dare not presume, in the endeavor I have been making to show that sound policy requires a diversion of so much of the capital and labor of this country from other employments as may be necessary, by a different application of them, to secure, within ourselves, a steady and adequate supply of the great necessities of life, I shall have only established one-half of what it is incumbent upon me to prove. It will be still required, by the other side, that a second proposition be supported, and that is, that Government ought to present motives for a diversion and new application of labor and capital, by that species of protection which the tariff holds out. Gentlemen say, we agree with you; you are right in your first proposition, but "let things alone," and all will come right in the end. Now, I agree with

APRIL, 1820.

Revision of the Tariff.

H. OF R.

them that things would ultimately get right; but not until after a long period of disorder and distress, terminating in the impoverishment, and perhaps ruin of the country. Dissolve Government, reduce it to its primitive elements, and, without any general effort to reconstruct it, there would arise, out of the anarchy which would ensue, partial combinations for the purpose of individual protection, which would finally lead to a social form, competent to the conservation of peace within, and the repulsion of force from without. Yet no one would say, in such a state of anarchy, let things alone! If gentlemen, by their favorite maxim, mean only that, within the bosom of the State, things are to be left alone, and each individual and each branch of industry, allowed to pursue their respective interests, without giving a preference to either, I subscribe to it. But if they give it a more comprehensive import; if they require that things are to be left alone, in respect not only to interior action, but as to exterior action also; not only as regards the operation of our own Government upon the mass of the interests of the State, but as it relates to the operation of foreign Governments likewise operating upon that mass, I dissent from it.

The maxim in this enlarged sense is indeed everywhere proclaimed, but nowhere practised. It is truth in the books of European political economists. It is error in the practical code of every European State. It is not applied where it is most applicable; it is attempted to be introduced here, where it is least applicable; and even here its friends propose to limit it to the single branch of manufacturing industry, whilst every other interest is encouraged and protected, according to the policy of Europe. The maxim would best suit Europe, where each interest is adjusted and arranged to every other, by causes operating during many centuries. Every thing there has taken and preserved its ancient position. The house that was built centuries ago is occupied by the descendants of its original constructor. If one could rise up, after the lapse of ages, and enter a European shop, he would see the same hammer at work on the same anvil or last, and almost by the same hand. There every thing has found its place and its level, and every thing, one would think, might there be safely let alone. But the policy of the American States is otherwise. Here every thing is new and unfixed. Neither the State nor the individuals who compose it have yet settled down in their firm and permanent positions. There is a constant tendency, in consequence of the extent of our public domain, towards production for foreign markets. The maxim, in the comprehensive sense in which I am considering it, requires, to entitle it to observation, two conditions—neither of which exists—first, that there would be perpetual peace; and, secondly, that the maxim should be everywhere respected. When war breaks out, that free and general circulation of the produce of industry among the nations which it recommends is interrupted, and the nation that depends upon a foreign supply of its necessities must be subjected to the greatest inconvenience. If it be not everywhere

observed, there will be, between the nations that do not and the nation that does conform to it, an inequality alike condemned by honor and by interest. If there be no reciprocity—if on the one side there is perfect freedom of trade, and on the other a code of odious restrictions—will gentlemen still contend that we are to submit to such an unprofitable and degrading intercourse? Will they require that we shall act upon the social system, whilst every other Power acts upon the selfish? Will they demand of us to throw widely open our ports to every nation, whilst all other nations entirely or partly occlude theirs against our productions? It is indeed possible that some pecuniary advantage might be enjoyed by our country in prosecuting the remnant of trade which the contracted policy of other Powers leaves to us. But what security is there for our continuing to enjoy even that? And is national honor, is national independence, to count for nothing? I will not enter into a detail of the restrictions with which we are everywhere presented in foreign countries. I will content myself with asserting that they take nothing from us which they can produce themselves, even upon worse terms than we could supply them. Take again as an example the English corn laws. America presents the image of a fine generous-hearted young fellow, who has just come to the possession of a rich estate—an estate which, however, requires careful management. He makes nothing; he buys every thing. He is surrounded by a parcel of Jews, each holding out his hand with a packet of buttons or pins, or some other commodity, for sale. If he ask these Jews to buy any thing which his State produces, they tell him no; it is not for our interest; it is not for yours. Take this new book, says one of them, on political economy, and you will there perceive it is for your interest to buy from us, and to let things alone in your own country. The gentleman from Virginia, to whom I have already referred, has surrendered the whole argument in the example of the East India trade. He thinks that, because India takes nothing but specie from us; because there is not a reciprocal exchange between us and India, of our respective productions; that the trade ought to be discontinued. Now, I do not agree with him that it ought to be abandoned, though I would put it under considerable restrictions, when it comes in competition with the fabrics of our own country. If the want of entire reciprocity be a sufficient ground for the total abandonment of a particular branch of trade, the same principle requires that, where there are some restrictions on the one side, they should be countervailed by equal restrictions on the other.

But this maxim, according to which gentlemen would have us abandon the home industry of the country to the influence of the restrictive system of other countries, without an effort to protect and preserve it, is not itself observed by the same gentlemen, in regard to the great interests of the nation. We protect our fisheries by bounties and drawbacks. We protect our tonnage, by excluding or restricting foreign tonnage, exactly as our tonnage is excluded or restricted by foreign States.

H. OF R.

Revision of the Tariff.

APRIL, 1820.

We passed, a year or two ago, the bill to prohibit British navigation from the West India colonies of that Power to the United States, because ours is shut out from them. The session prior to the passage of that law, the gentleman from South Carolina and I, almost alone, urged the House to pass it. But the subject was postponed until the next session, when it was passed by nearly an unanimous vote; the gentleman from South Carolina and the two gentlemen from Virginia, (Messrs. BARBOUR and TYLER,) voting with the majority. We have now upon our table other bills connected with that object, and proposing restrictions upon the French tonnage, to countervail theirs upon ours. I shall, with pleasure, vote for these measures. We protect our foreign trade, by consuls, by foreign Ministers, by embargoes, by non-intercourse, by a navy, by fortifications, by squadrons constantly acting abroad, by war, and by a variety of commercial regulations in our statute books. The whole system of the General Government, from its first formation to the present time, consists almost exclusively in one unremitting endeavor to nourish, and protect, and defend the foreign trade. Why have not all these great interests been left to the operation of the gentlemen's favorite maxim? Sir, it is perfectly right that we should have afforded this protection. And it is perfectly right, in my humble opinion, that we should extend the principle of it to home industry. I am a friend to foreign trade, but I protest against its being the monopolist of all the favor and care of this Government.

But, sir, friendly as I am to the existence of domestic manufactures, I would not give to them unreasonable encouragement by protecting duties. Their growth ought to be gradual, but sure. I believe all the circumstances of the present period highly favorable to their success. But they are the youngest and the weakest interest of the State. Agriculture wants but little or no protection against the regulations of foreign Powers. The advantages of our position, and the cheapness, and abundance, and fertility of our land, afford to that greatest interest of the State almost all the protection it wants. As it should be, it is strong and flourishing; or, if it be not, at this moment, prosperous, it is not because its produce is not ample, but because, depending as we do altogether upon a foreign market for the sale of the surplus of that produce, the foreign market is glutted. Our foreign trade having almost exclusively engrossed the protecting care of Government, wants no further legislative aid. And whatever depression it may now experience, is attributable to causes beyond the control of this Government. The abundance of capital, indicated by the avidity with which loans are sought, at the reduced rate of five per cent.; the reduction in the wages of labor; and the decline in the price of property of every kind, as well as that of agricultural produce, all concur favorably for domestic manufactures. Now, as when we arranged the existing tariff, is the auspicious moment for Government to step in and cheer and countenance them. We did too little then, and I endeavored to warn this House of the effects of inadequate

protection. We were called upon, at that time, by the previous pledges which we had given, by the inundation of foreign fabrics which was to be anticipated from their free admission after the termination of the war, and by the lasting interests of this country; to give them efficient support. We did not do it; let us not now repeat the error. Our great mistake has been in the irregularity of the action of the measures of this Government upon manufacturing industry. At one period it is stimulated too high, and then, by an opposite course of policy, it is precipitated into a condition of depression too low. First, there came the embargo; non-intercourse and other restrictive measures followed; and then, that greatest of all stimulus to domestic fabrication, war. During all that long time, we were adding to the positive effect of the measures of Government, all the moral encouragement which results from popular resolves, legislative resolves, and other manifestations of the public will, and the public wish to foster our home manufacturers, and to render our Confederacy independent of foreign Powers. The peace ensued, and the country was flooded with the fabrics of other countries; and we, forgetting all our promises, coolly and philosophically talk of leaving things to themselves; making up for our deficiency of practical good sense, by the stores of learning which we collect from theoretical writers. I, too, sometimes amuse myself with the visions of these writers, (as I do with those of metaphysicians and novelists,) and, if I do not forget, one of the best among them enjoins it upon a country to protect its industry against the injurious influence operating upon it of the prohibitions and restrictions of foreign countries.

Monuments of the sad effects, upon our manufactures, of the fluctuating policy of the councils of the Union in regard to them, abound in all parts of the country. Villages, and parts of villages, which sprung up but yesterday in the Western country, under the excitement to which I have referred, are perishing and abandoned. In New England, in passing along the highway, one frequently sees large spacious buildings, with the glass broken out of the windows, the shutters hanging in ruinous disorder, cheerless, without any appearance of activity, and surrounded by a solitary gloom. Upon inquiring what they are, you are almost always informed that they were some cotton or other factory, which their proprietors could no longer keep in motion against the overwhelming pressure of foreign competition. Gentlemen ask for facts to show the propriety of protection to our manufactures. Do they want stronger evidence? They ask why the manufacturing industry is not resumed under the encouraging auspices of the present time? Sir, there is general dismay; there is want of heart; there is the greatest moral discouragement. A man who engages in manufacturing business is thought by his friends to be deranged. Who will go to the site on which lie the ruins of Carthage or Balbec to rebuild there a city? Let Government commence a systematic, but moderate, support of this important branch of our industry. Let it announce

APRIL, 1820.

Revision of the Tariff.

H. OF R

the fixed purpose, that the protection of it, against the influence of the measures of foreign Governments enters into the scope of our national policy. Let us substitute to the irregular action of our measures one that shall be steady and uniform; and hope and animation and activity will again revive. The gentleman from South Carolina (Mr. Lowndes) offered a resolution, which the House rejected, having for its object to ascertain the profits now made upon capital employed in manufacturing. It is not, I repeat it, the individuals, but the interest we wish protected. From the infinite variety of circumstances under which different manufacturing establishments are situated, it is impossible that any information, such as the gentleman desires, could be obtained, that ought to guide the judgment of this House. It may happen, that, of two establishments engaged in the same species of fabrication, one will be prospering and the other laboring. Take the example of the Waltham manufactory near Boston, and the Brunswick in Maine. The former has the advantages of a fine water situation, a manager of excellent information, enthusiastically devoted to its success, a mechanist of a most inventive genius, who is constantly making some new improvement, and who has carried the water loom to a degree of perfection which it has not attained in England, and such as to reduce the cost of weaving a yard of cloth, adapted to shirting, to less than one cent per yard; and it is abundantly supplied with capital by several rich capitalists in Boston. These gentlemen have the most extensive correspondence with all parts of the United States. Owing to this extraordinary combination of favorable circumstances, the Waltham establishment is doing pretty well. Whilst that of Brunswick, not possessing all of them, but perhaps as many as would enable it, under adequate protection, to flourish, is laboring hard. Would gentlemen infer, from the success of a few institutions having peculiar advantages, which form exceptions to the languishing condition of manufacturing industry, that there exists no necessity for protection? In the most discouraging state of trade and navigation, there were, no doubt, always some few individuals who were successful in prosecuting them. Would it be fair to argue, from these rare instances, against any measure brought forward to revive their activity?

The gentleman from Massachusetts (Mr. Whittman) has manifested peculiar hostility to the tariff, and has allowed himself to denominate it a mad, quixotic, ruinous scheme. The gentleman is dissatisfied with the quarter (the West) from which it comes. To give higher tone and more effect to the gentleman's declamation, which is vague and indefinite, he has even assumed a new place in this House. Sir, I would advise the gentleman to return to his ancient position, moral and physical. It was respectable and useful. The honorable gentleman professes to be a friend to manufacturers! And yet he has found an insurmountable Constitutional impediment to their encouragement, of which, as no other gentleman has relied upon it, I shall leave him in the undisturbed possession. The

honorable gentleman a friend to manufacturers! And yet he has delivered a speech, marked by peculiar emphasis, the whole of which is against their protection. The honorable gentleman a friend to manufactures! And yet he requires (if his Constitutional difficulty could be gotten over) such an arrangement of the tariff as shall please him, although every one else should be dissatisfied. The intimation is not new of the presumptuousness of Western politicians in endeavoring to contribute to give to the policy of this country such a direction as will assert its honor and sustain its interests. It was first made whilst the measures preparatory to the late war were under consideration, and it now probably emanates from the same quarter. The predilection of the school of the Essex Junto for foreign trade and for British fabrics (I am far from insinuating that other gentlemen who are opposed to the tariff are actuated by any such spirit) is unconquerable. We disregarded the intimation when it was first made: we shall be uninfluenced by it now. If, indeed, there were the least color for the assertion that the foreign trade is to be crushed by the tariff, is it not strange that the whole of the representation from all of our great commercial metropolises should unite to destroy it? The member from Boston, (to whose national and disinterested course I am happy on this as on many other occasions to be able to testify;) the representatives from the city of New York, from Philadelphia, and from Baltimore, all entered into this confederacy to destroy it, by supporting this mad and ruinous tariff. Some gentlemen assert that it is too comprehensive. That it leaves no important interest unprovided for recommends it to me.

The same gentlemen, or others, if it had been more limited, would have objected to its partial operation. The general measure of the protection which it communicates, is pronounced to be immoderate and enormous. Yet no one ventures to enter into a specification of the particular articles of which it is composed, to show that it deserves thus to be characterized. The article of molasses has, indeed, been selected out, and held up, as an instance of the alleged extravagance. The existing tariff imposes a duty of five cents; the proposed tariff ten cents, per gallon. We tax very high foreign spirits, and yet we let in, with a very low duty, foreign molasses, which ought to be considered as rum in disguise, filling the space of so much domestic spirits. If (which I do not believe will be immediately the case, to any considerable extent) the manufacture of spirits from molasses should somewhat decline, under the new tariff, the manufacture of spirits from the raw material produced at home will be extended in the same degree. Besides the incidental advantage of increasing our security against the effects of seasons of scarcity, by increasing the distillation of spirits from grain, there was hardly any item in the tariff which combined so many interests in supporting the proposed rate of duty. The grain-growing country, the fruit country, and the culture of cane, would be all benefited by the duty. Its operation is said, however, to be injurious on a certain quar-

H. OF R.

Revision of the Tariff.

APRIL, 1820.

ter of the Union. It was not to be denied that each particular section of the country would feel some one or more articles of the tariff to bear hard upon it, during a short period; but the compensation was to be found in the more favorable operation of others. Now, I am fully persuaded that, in the first instance, no part of the Union would more largely share than New England, in the aggregate, of the benefits resulting from the tariff. The habits of economy of her people, their industry, their skill, their noble enterprise, the stimulating effects of their more rigorous climate, all tend to insure to her the first and the richest fruits of the tariff. The Middle and the Western States would come in afterwards for their portion, and all would share in the advantage of internal exchanges and circulation. No quarter of the Union could urge, with an iller grace than New England, objections to a measure having for its object the advancement of the interests of the whole; for no quarter of the Union participated more extensively in the benefits flowing from the General Government. Her tonnage, her fisheries, her foreign trade, have been constantly objects of federal care. There was expended the greatest portion of the public revenue. The building of the public ships; their equipment; the expenses incident to their remaining in port, chiefly took place there. That great drain upon the revenue, the Revolutionary pension law, tended principally to New England. I do not complain of these advantages which she enjoys. She is, probably, fairly entitled to them. But gentlemen from that quarter may at least be justly reminded of them when they complain of the onerous effect of one or two items of the tariff.

Mr. Chairman, I frankly own that I feel great solicitude for the success of this bill. The independence of my country on all foreign States, as it respects a supply of our essential wants, has ever been with me a favorite object. The war of our Revolution effected our emancipation. The last war contributed greatly towards achieving our commercial freedom. But our entire independence will only be consummated after the policy of this bill shall be recognised and adopted. We have great difficulties to contend with; old habits—colonial usages—the obduracy of the colonial spirit—the enormous profits of a foreign trade, prosecuted under favorable circumstances, which no longer continue. I will not despair; the cause, I verily believe, is the cause of the country. It may be postponed; it may be frustrated for the moment, but it must finally prevail. Let us endeavor to acquire for the present Congress the merit of laying this solid foundation of the national prosperity. If, as I think, fatally for the public interest, the bill shall be defeated, what will be the character of the account which we shall have to render our constituents upon our return among them? We shall be asked, what have you done to remedy the disorders of the currency? Why, Mr. Secretary of the Treasury made us a long report on the matter, containing much valuable information, and some very good reasoning, but, upon the whole, we found that subject rather above our comprehension, and we concluded that

it was wisest to let it regulate itself. What have you done to supply the deficit in the Treasury? We thought that, although you are all endeavoring to get out of banks, it was a very good time for us to go into them, and we have authorized a loan? You have done something, then, certainly, on the subject of retrenchment. Here, at home, we are practising the greatest economy, and our daughters, no longer able to wear calico gowns, are obliged to put on homespun. Why, we have saved, by the indefatigable exertions of a member from Tennessee, (Mr. COCKE,) fifty thousand dollars, which were wanted for the Yellow Stone expedition. No, not quite so much; for thirty thousand dollars of that sum were still wanted, although we stopped the expedition at the Council Bluffs. And we have saved another sum, which we hope will give you great satisfaction. After near two days' debate, and a division between the two Houses, we struck off two hundred dollars from the salary of the clerk of Mr. Attorney General. What have you done to protect the home industry from the effects of the contracted policy of foreign Powers? We thought it best, after much deliberation, to leave things alone at home, and to continue our encouragement to foreign industry. Well, surely, you have passed some law to reanimate and revive the hopes of the numerous bankrupts that have been made by the extraordinary circumstances of the world, and the ruinous tendency of our own policy? No; the Senate could not agree on that subject, and the bankrupt bill failed! Can we plead, sir, ignorance of the general distress, and of the ardent wishes of the community for that protection of its industry, which this bill proposes? No, sir, daily almost throughout the session, have we been receiving petitions, with which our table is now loaded, imploring us to extend this protection. Unanimous resolutions from important State Legislatures have called upon us to give it, and the people of whole States, almost in a mass—of New York, New Jersey, Pennsylvania, and Ohio—have transmitted to us their earnest and humble petitions to encourage the home industry. Let us not turn a deaf ear to them. Let us not disappoint their just expectations. Let us manifest, by the passage of this bill, that Congress does not deserve the reproaches which have been cast on it, of insensibility to the wants and sufferings of the people.

When Mr. C. had concluded—after explanatory observations between Mr. CLAY and Mr. SMITH, of Maryland, the Committee rose, and the House adjourned.

THURSDAY, April 27.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill for the relief of Græme Keith Spence; which was twice read.

A motion was made by Mr. MCCOY that it lie on the table; which, being rejected, the bill was ordered to be engrossed, and read a third time tomorrow.

Mr. SMITH, from the same committee, also reported a bill making appropriations for carrying

APRIL, 1820.

Revision of the Tariff.

H. OF R.

into effect the treaty lately concluded with the Chippewa nation of Indians; which was read twice, and committed to the Committee of the Whole, to which is committed the bill from the Senate, entitled "An act for the better regulation of the trade with the Indian tribes."

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act to continue in force 'An act to protect the commerce of the United States, and to punish the crime of piracy,' and also to make further provision for punishing the crime of piracy;" in which they ask the concurrence of this House.

Mr. STORRS submitted the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the Senate and the Speaker of the House of Representatives, for the time being, be and they are hereby authorized to grant the use of the books in the Library of Congress, during the recess of its sessions, to the Secretary of the Senate and Clerk of the House of Representatives of the United States, on the terms, and under the rules, regulations, restrictions, and penalties, that members of Congress are allowed to use the said books.

The resolution was read twice, and ordered to lie on the table.

The bill from the Senate "to continue in force 'an act to protect the commerce of the United States, and punish the crime of piracy,' and also to make further provision for punishing the crime of piracy," was twice read, and referred to a Committee of the Whole.

The bill from the Senate, to establish certain land offices in the State of Alabama, (so amended in this House as to include also Indiana and Illinois,) was read a third time, passed, and returned to the Senate for concurrence in the amendments.

The bill from the Senate to confirm certain proceedings of the inhabitants of Cahokia, in the State of Illinois, in laying out a town on the commons of said village, was read a third time, passed, and returned to the Senate.

Mr. LITTLE introduced a proposition, the object of which was, that the House should, for the remainder of this session, meet at 11 o'clock instead of 10, the present appointed hour. In support of this motion, he said that every day for a week past there had not been more than thirty members present at the hour of meeting, and the chairmen of committees were not present to make their reports, but subsequently came into the House, and obtained leave to report. He therefore thought it would be a saving of time to meet at the hour of 11, and afford time to the committees to sit in the morning, and transact business.

This motion produced some little discussion between Messrs. SIMKINS, FOOT, CAMPBELL, TAYLOR, and MCCOY. Among other things, it was said by Mr. MCCOY that, though there was a large majority of the House in favor of meeting at an early hour, there never was a majority present at the hour of meeting. He was, however, opposed to changing the hour of meeting, which had already been changed more than once in the session.

The motion of Mr. LITTLE was negatived.

Mr. SIMKINS then moved this resolution:

Resolved, That the House will not adjourn on any day before the hour of five o'clock in the afternoon, whilst any question before it is in discussion, and remains undecided.

And this proposition was ordered to lie on the table for one day.

REVISION OF THE TARIFF.

The House then again resolved itself into a Committee of the Whole on the bill regulating the duties on imports.

The question being on the Committee's rising and reporting the tariff bill to the House, the debate thereon was resumed.

Mr. BARBOUR, of Virginia, addressed the Committee as follows:

Mr. Chairman, I feel much indebted to the Committee for their goodness in rising on yesterday, to afford me an opportunity of expressing my views upon this subject.

I am about to attempt an answer to the member from Pennsylvania who reported this bill, and other gentlemen who followed him in its support. Considering the arduousness of the undertaking, it might perhaps be the part of prudence in me to decline it; for one gentleman from Kentucky (Mr. TRIMBLE) informed us that he had demonstrated many of his propositions, and thus placed them beyond the possibility of question, although moral and political questions are, in their nature, incapable of demonstration, and it cannot be affirmed of any thing short of demonstration that there is no possible doubt; whilst another member from Kentucky (the Speaker) has invited the opponents of the bill to attempt an answer to the member from Pennsylvania; from which it may be inferred, that the advocates of the bill feel something like the confidence of anticipated triumph. Arduous however as the undertaking may be, fearful as the odds may be against me, I am emboldened to proceed, from the consideration that, in such a conflict as I find myself engaged in, success on my part would be cause of self-gratulation, whilst defeat would not be attended with disgrace.

The Speaker, in the close of his remarks, called upon us to say what account we could render of our stewardship when we returned to our constituents? He presented to us the following train of inquiry in detail: What, said he, have you done upon the subject of retrenchment? I shall be ready to answer, in relation to that subject, that I exerted my utmost efforts to effect a considerable retrenchment; and that, if I did not succeed, it was because I was overruled by a majority of this House, who differed from me in opinion as to the policy of continuing to its full amount one very large item of public expenditure. What have you done as to the currency of the country? I shall answer, nothing, because nothing was necessary to be done. The channel of circulation had become too full, it had overflowed its banks. The flood of circulating medium has subsided; it has already sought, or is tending to seek, its level, almost as the waters of the Potomac seek theirs. As physical laws govern the one, so the laws of political

economy govern the other. Self-regulation, then, is a safer and better reliance than any act of legislation. What have you done to relieve the thousands of unfortunate bankrupts in the country? I shall be ready to answer that, whilst I sincerely sympathize with my suffering fellow-citizens in that situation, I could not vote for a bankrupt bill consistently with my idea of the immutable principles of justice. I do not speak now of the release of their persons from confinement. To such a proposition my objections do not apply; but I never can consent to cancel the obligation of contracts, and to exempt after-acquired property from liability to the payment of debts; because the relation of debtor and creditor cannot exist, until the debtor shall have received something of value from the creditor, and then to cancel the obligation of the contract, is to say to the creditor, who has parted with value we cannot restore to him, that he shall not receive the equivalent which the debtor promised, and without the expectation of which he never would have parted with what constituted the consideration of that promise. This, sir, is a very brief account of my stewardship in relation to these subjects, with which I shall expect that my constituents will be so satisfied as to say that, as it respects them, I have been a faithful servant. I shall not ask them for the further reward of "making me steward over many things, because I have been faithful over a few." But, sir, what connexion have these subjects with the bill now under discussion? Suppose that the House had decided improperly upon all these, can they by any possibility affect the decision upon this question, which must rest upon the basis of its own intrinsic merits? But what have you done in favor of domestic manufactures? Here again, sir, I am ready to answer, nothing; and, as this inquiry brings us directly to the very subject before the Committee, I will now proceed to state to you, and through you to my constituents, the reasons which have produced a conviction upon my mind that, in doing nothing, we shall act wisely.

The avowed object of this bill is, by means of increased duties upon imported goods, to afford encouragement to that part of the industry of the country which is engaged in domestic manufactures; and the question is, whether such a measure is compatible with the principles of justice, or of sound policy? It will be my endeavor to prove that it is not. Before, however, I go particularly into these views, I beg leave to answer the remarks of the gentleman from Pennsylvania, (Mr. BALDWIN,) and the gentleman from New York, (Mr. STORRS,) of a general nature, in relation to our system of revenue from imposts. They have characterized it with epithets of the severest reprobation. It has been called an unsound, a rotten system. So far from thinking that these epithets are merited, I have, for my part, a decided preference for the impost system, and I will proceed to state to the Committee the reasons of that preference. The whole practice of the Government, from its commencement to the present moment, with but few exceptions, and those principally in time of war, has been to rely upon imposts for the

purpose of defraying its expenditures. Of this fact I make the double use, that those who have administered the Government have considered this mode of raising revenue most consistent with the feelings of the people, and that the people themselves, having been accustomed to it for thirty years, would find it more agreeable and convenient than any other. I would not innovate upon it, then, unless there were very strong reasons for a change. So far from this, the reasons are, in my opinion, strong in favor of its continuance. Let us examine them somewhat at large. This mode of raising revenue by impost is the least expensive in its collection, and of course, of any given sum raised by taxation, the less there may be expended in collection, the more there will be applicable to the purposes of the Government. Gentlemen have said that the excise in England was collected at less expense than any other tax. Whatever may be the case in England, such would not be the fair calculation in this country. In England the population is dense, and the manufacturers are collected in large cities and towns, which would make the collection much less expensive than in the United States, where the population is comparatively very sparse, and the manufacturers scattered over a much larger surface. But, instead of detaining the Committee with probabilities, I will refer them to matter of fact. The report from the Treasury Department, of December, 1801, states that whilst the expenses of collection on merchandise and tonnage did not exceed four per cent. those on the permanent internal duties amounted to almost twenty per cent. This he ascribed to the dispersed situation of the persons paying the duties, and the total amount of revenue being inconsiderable. But, sir, let us come nearer the present time. It appears, from official documents, that the total amount of duties on imports, for the years 1815, 1816, 1817, and 1818, was (not regarding fractions) \$118,383,000, and the whole expense of collection (in like manner discarding fractions) was \$2,771,000, not equal to two and a half per cent. upon the whole amount. From the same source I derive the fact that the expense of the collection of internal duties, in 1816, was four per cent. and eight-tenths, and that of the collection of the direct tax of the same year was five per cent. and three-tenths.

A second advantage in favor of the impost system is, that there is much less loss to the Government by insolvency, &c.; it appears that the whole loss upon customs, from the commencement of the system, amounting to the enormous sum of \$351,329,799, is not quite one-half of one per cent. Without referring the Committee to the minutæ of official reports, I am justified in saying, generally, that the loss in the collection of internal taxes has been much greater, and for this obvious reason, that the customs are collected from a very few persons in comparison with those from whom the other taxes are collected. A third advantage is, that the payment of this kind of tax is an act of volition; the duty becomes a part of the price, and we either buy or not as we choose; whereas, as far as internal taxes should consist of direct taxes, the payment would be matter of compulsion. A fourth

APRIL, 1820.

Revision of the Tariff.

H. OF R.

advantage is, that this system is calculated to operate more equally. The great desideratum in every system of taxation should be to make every citizen contribute, as far as practicable, in proportion to his ability. As there is no mode of ascertaining that ability with precision, without too inquisitorial a scrutiny, the best approximation which we can make to it is to act upon the principle that every man's expense is proportioned to his ability; the few examples which we observe of a departure from this principle, in prodigality or extravagance, do not disturb the general truth; the present system has this principle for its basis, as the buyer of goods pays a tax according to what he purchases. Although the same reasoning would apply to excises, yet it clearly would not to direct taxes; they, by the Constitution, must be laid, not according to wealth, but according to population; thus, in case of a direct tax, a manufacturing State, with millions of capital profitably employed in that way, would pay not one cent more than another State of equal population, whose wealth was even fifty per cent. less than that of the other; but it is not only thus unequal in its operation between different States, it is also subject to enormous inequalities between citizens of the same State.

The direct tax is imposed upon land with its improvements and slaves. Now, sir, it might happen that a man worth ten thousand dollars, if it consisted in lands and slaves, might pay more direct tax than one worth half a million, if it consisted of certain descriptions of property, such as bank stock, funded debt, &c., for this kind of property pays no part of the direct tax. A fifth advantage in adhering to this system is, that now we have one set of officers; whereas, if we introduce a permanent system of internal taxation, the present system must still be also continued, and thus we shall create another set of officers, whose salaries and perquisites of office will be an entire loss, in a pecuniary point of view, besides the vexation produced by being liable to the demands of a double set of tax-gatherers. The last, but not the least advantage which I will mention, is, that the power of laying imposts is taken from the States and given exclusively to Congress. One of the strongest objections to the Constitution was, the collision which might arise between the State and Federal Governments, in the exercise of their respective powers of taxation, where they were concurrent; but in this particular mode of laying duties on imports, and in this only, the Federal Government having the power exclusively, there is a complete obviation of all difficulties which might arise from colliding jurisdiction.

The advocates of this bill have told us that we cannot much longer get on without the aid of internal taxation; that sooner or later we must come to that point; and that, therefore, we had better do it at once. My first remark in reply to this is, that if, as I have attempted to show, the system of impost be a better and more equal one than that of internal taxation, then the argument which would persuade us to adopt the latter, by anticipation, because we might hereafter be obliged to do it, is precisely like persuading a man that, be-

cause he must, in the course of nature, inevitably die, it would become him to anticipate it by his own act, in the commission of suicide. But, say gentlemen, the revenue from imposts is unequal to the exigencies of the Government; and how do you propose to remedy it? Why, it would seem, by the passage of a bill, the effect of which must be, as I shall presently attempt to show, to diminish that very revenue which gentlemen say, even now, is insufficient. The only way by which this apparent inconsistency can be explained is, that this subject is discussed as if a system of internal taxation were now in being; but I call upon gentlemen to remember, that whatever their wishes or opinions as to the relative merits of the two systems may be, the impost system exists now in point of fact, whilst the other does not; and I will add my wish, that it never may, until it shall become indispensably necessary, not by our forced legislation, but by the natural course of events. I have just said that I would attempt to show that the passage of this bill would diminish our revenue; I will now redeem my pledge, or endeavor to do so.

The first proposition which I shall lay down is this—that it will lessen the amount of importations, upon this obvious principle, that any given quantity of the exportable produce of the land and labor of the country will purchase fewer commodities at a higher, than it would at a lower price. That the imposition of the proposed duties will raise the price of the commodities imported no gentleman has questioned. Our exportable produce remaining the same, then, will purchase less than if the duty were not raised; and, consequently, the quantity of articles must be diminished. If it be said that the increased duties will compensate for the diminished consumption, I answer, that, with the exception of a few mere luxuries, the great bulk of imported commodities is consumed by that portion of our people, who, constituting the middle class of society between poverty and wealth, are, with various degrees of property, only independent or moderately rich. Though the very wealthy man might still continue to purchase his luxuries as before, without regard to price, yet, amongst the great class which I have mentioned, (the very bone and sinew of the community,) there is a spirit of prudence and calculation which makes them value their comforts and pleasures at a certain price only, beyond which they will not go. What that is, it is impossible to say, with any thing like precision, it being a mere question of quantity, of more or less; I venture, however, to say, that the duties now proposed would pass this limit, and consequently cause a great diminution of consumption, and with it a diminution of comfort to our citizens, and of revenue to the Government.

I pass on to other views. The increased rate of duty will furnish a strong additional temptation to smuggling, already in some degree practised with the existing duties, and thus, as far as that practice shall extend, defraud the Government altogether. But the advocates of the bill themselves admit that there will be a diminution of revenue

as to many of the most important articles, and have attempted to supply it by an increase of duty upon iron, salt, sugar, and coffee—articles either of absolute necessity, or, at least, of ordinary comfort. Upon this I must take leave to remark, that if these articles will bear an increase, we ought, according to the declarations of gentlemen themselves, to have the benefit of it; for they tell us that our revenue is deficient, and any addition which these articles will bear will not be more than the Government can conveniently dispose of. At a time, then, when all the revenue which we can derive from imports will not more than meet the exigencies of the Treasury, it surely cannot be right to adopt any policy which would diminish that amount, even if the policy proposed to be established might, under other circumstances, be thought a correct one.

I shall now endeavor to prove that it is in violation of the general principles of political economy to build up a manufacturing system by the forced means of legislative interference, and that there is nothing peculiar in the situation of this country, whether considered in relation to its political character or otherwise, which makes our case an exception to the general rule. It would seem, however, from what has been said by the Speaker of the writers on political economy, that he reposes little or no confidence in them. He has said, that we derive our visionary theories from European writers, whom their own Governments do not acknowledge as guides in legislation; thus, that gentleman, instead of meeting and refuting the doctrines of Stuart, Smith, and others, has at once put them under the ban of his denunciation by a single contemptuous remark. Indeed, it might be said of him, as was said of another distinguished man upon another occasion, "that he put to flight a host of syllogisms by a sneer." After all his disparagement of European writers on the science of political economy, I must be permitted to say, that, if their manufactures of cotton and wool exceed ours as far as their works upon this interesting subject surpass ours, then indeed we cannot sustain the competition to which we aspire by any encouragement which we can afford; and though their Governments do not follow their counsels, that surely is no reason why we should not, if they be in themselves correct, and calculated to enhance the prosperity of the country. As well might it be said, that we ought not to respect any of their principles of ethics or morality, such, for example, as the doctrines of Paley or Rutherford, because they do not pursue them. There is, it is true, no demonstration in the sciences of morals and politics, as there is in the mathematics; but there are, in each of those sciences, certain truths so obvious in themselves and so universally assented to by mankind, that they almost rank in the class of axioms, and constitute the basis of reasoning in questions of this kind; such, for example, is the principle, that the market price of commodities is regulated by the proportion between the actual demand and supply. It is to principles as well settled as this that I shall resort in the course of this argument, though they may

even be drawn from European writers. Without further remarks, I will proceed directly to the general reasoning against legislative interference to create and sustain a manufacturing system.

The strength of every country consists in the number, the character, and the wealth of its population. First, then, let us compare two countries, the one agricultural, and the other manufacturing, in relation to numbers. The very object of agriculture is to procure the means of subsistence; but it is agreed on all hands that the quantity of subsistence is precisely the measure of the extent of population, since without it they cannot exist; of consequence, other things being equal, the country, which is agricultural, and which not only makes its own subsistence, but a surplus for exportation; which, upon occasion, may be applied to supply the deficiency of any year, will be more populous than one, a great part of whose labor is applied to manufactures, and which, therefore, in ordinary years, scarcely makes a sufficiency, and, in any case of deficiency, depends entirely upon a foreign supply, for the very means by which to support life. If it be said that this reasoning does not apply to the present situation of the United States, I answer, that it is the province of the statesman, not to legislate merely for the present moment, but to look forward to that state of things, which, according to the course of human affairs, may fairly be considered as inevitable; and, according to all experience, the time will come when it will apply to us with full force as well as to other nations. When, for example, the manufacturers, together with their families, shall bear a large proportion to the remaining population; for let it be remembered, that while food only increases arithmetically, population increases geometrically; an idea which I shall have occasion to dwell upon more at large hereafter.

Let us now compare the same two nations in relation to the character of their population, whether affected by moral or political causes. The agriculturist, in this country, cultivates his own farm; he looks only to the beneficence of the Deity, and the sweat of his own brow, for the maintenance of himself and family; by his own will he regulates his conduct; he knows no superior except those who are clothed with the authority of the law; he thus acquires the proud spirit of an independent freeman; he has the port, the stature, the dignity, of a man. On the contrary, the manufacturer has no source of revenue but his labor, which he must constantly sell to a master; not his own, but that master's will, is the rule of his conduct. While independence, then, is the characteristic of the agriculturist, mere servility is that of the manufacturer. This is the difference in the moral effects; that in the physical is just as striking; the agriculturist, from the very nature of his pursuits, enjoys the light and air of Heaven, in all its purity; he has his regular periods of labor and rest; he has that strong and healthy constitution which results from these. The manufacturer, on the contrary, under the orders of an avaricious task-master, scarcely knows the distinction of day and night. The hammers of Birmingham are

APRIL, 1820.

Revision of the Tariff.

H. OF R.

never at rest; the wheels of Manchester never stand still. They are pent up in task-houses during the day, amid noxious effluvia, and crowded in huts at night—that is, such of them as are allowed to sleep; for a part, in alternate succession, pursue their toils during the night. Such is the condition of the adults engaged in these establishments. That of the children is, if possible, still more deplorable; taken at an early period from their parents, they are cut off from the sacred morality of the hearth, and lose all benefit of parental instruction, which instils the lessons of wisdom into the mind, and morality into the heart; thrown together into a crowd, where there is a promiscuous intercourse between different ages and sexes, fatigued with a degree of labor which they can scarcely bear; without the aid of moral or religious instruction, they grow up unfit to be members of society, and qualified only to obey the will of a master themselves, and to transmit that wretched inheritance to their posterity. How different the condition of the children of the agriculturist! The virtue and independence of the parent are learned and practised by them, and they become qualified to act with propriety in all the various relations in which they stand bound to society. But, sir, I will not pursue this subject further. I refer the Committee to the feeling description of those who have written upon it, and particularly to that of the celebrated Aikin.

The advocates of this bill contend, that it will tend to increase the national wealth. I think I shall be able to show that they are entirely deceived in this calculation. Wealth, either public or private, consists in the excess of production beyond consumption; whatever appropriation of capital, then, will create the largest mass of production, (the consumption remaining the same,) will create the most wealth; if an appropriation to manufactures were the most profitable, we may be assured that individual interest will give it that direction. This principle of interest is one of the strongest of our nature; “not written on the heart by precept, but engraven by destiny; not instilled by education, but infused at our nativity;” it burns with an inextinguishable light, like the fire of the vestal virgins. The unceasing desire, which we thus have, to better our condition, is best guided, too, by individual sagacity, which always points, or endeavors to point, to the object of our wishes. Why, then, is the capital of the country not appropriated to manufactures? Merely for the reason, that other appropriations of it are more profitable; this is proven, incontestably, by the very circumstance of the manufacturers asking for aid; for, surely, if their profit were equal to that of the other pursuits in society, they would not need it, and to give it would be the extreme of injustice. But, if the appropriation of capital to manufactures be thus clearly shown to be less profitable than in some other way, then it follows that a less mass of production is created; and, as national wealth has been shown to consist in the excess of production beyond consumption, consequently, national wealth is diminished, not increased. That it will increase the wealth of the great manufacturers, no one

questions; but, let it be remembered, that the inquiry here is, whether it will add to the totality of the wealth of the nation? I have already shown that it will produce a contrary effect; and that, too, by a direct injury to the whole mass of consumers; for, precisely as you enhance the price of the commodities which they purchase, you diminish the value of the products of their labor, the value of which consists in the power of commanding the products of the labor of others. Another great advantage which an agricultural country possesses over a manufacturing one, is, the greater stability of its wealth; the wealth of the first consists in its lands, with its permanent improvements, buildings, melioration of soil, &c. which, amidst all the vicissitudes of events, and even the shocks of war, still remain; that of the other, with the exception of the fixed part of the capital, consists in what claims no country for its home, but that in which the greatest profit can be made; it may rather be said to sojourn for a while in any country, than to be domiciliated there; one combination of circumstances located it in a particular place; a different combination will cause its removal. The history of all Europe is a practical commentary on these remarks; manufactures have there repeatedly changed their abode; and no man can tell how soon England may cease to be the work-shop and toy-shop of Europe and America.

Another decided recommendation of the agricultural system over the manufacturing, is this: the interest of the agriculturist is precisely identified with that of the community; that of the manufacturer is not only not identified, but is, in some degree, opposed to it. The interest of the manufacturer is, to narrow, as much as possible, the competition in the sale of his commodities; the interest of the community is, obviously, to widen that competition. “Profit, too, is naturally low in rich, and high in poor countries; and it is always highest in countries which are going fastest to ruin.” In a political point of view, then, it is well worthy of consideration how far it is good policy to create and sustain, by artificial means, a class in society whose interests are thus, in some degree, necessarily opposed to those of the rest of the society. I do not mean to say, that manufactures are not useful, and even necessary, to agriculture; but I do mean to contend, that it is better to let others manufacture for us, as long as we can appropriate our capital in a way which will be more profitable; and I do mean to contend, that, if Government attempt to judge of this, it will be perpetually subject to error, and may, by the aid which it affords, force a comparatively unprofitable appropriation of the capital of the country; whereas, if it be left to individual sagacity, the thermometer will scarcely mark the variations in the temperature of the weather with more accuracy than this will the variations in the rate of profit; and, consequently, we have the utmost security that capital will be applied to manufactures, whenever it ought to be so applied; that is, whenever, by such an application, it will be more profitable than by any other. And what equivalent are we promised for submitting to a measure subject to so many and such strong ob-

jections? Why, it is said, that, if we will protect manufactures, as soon as they shall be firmly established, they will afford us a revenue from excise. In the first place, I answer, that, if that promise should be realized, the period would be altogether uncertain, and, in the mean time, there would be an acknowledged deficiency of revenue arising from impost; and further, if I have shown that an appropriation of capital in that way would be less profitable, there would be an actual annihilation of national wealth, to an amount equal to the difference between the profit arising from that and a different appropriation. It is said, however, that manufactures will become cheaper than they now are: this is a downright inconsistency; for, at their present price, we are loudly called upon to save them from sinking, and yet, at the same moment, we are told, that they will actually be sold at a price, hereafter, less than that for which they now sell, and a sale at which, it is said, will produce ruin. There is no inducement, then, in this promised equivalent. I have already shown that the proposed measure is wrong, upon general principles, and I will now attempt to show, not only that there is nothing peculiar in the situation of this country which would require us to depart from these general principles; but that, on the contrary, whatever distinguishing peculiarity there is, either in our Government, people, or country, it contributes rather to fortify than to weaken their force, and to render them emphatically applicable to us. Our Government is Republican; next to the virtue of its citizens, equality is one of the surest foundations upon which such a Government can stand. Equality of rights is actually attainable, and is practically enforced; but equality of property, also, as far as it can be effected by Constitutional and legal means, is also greatly desirable; it is with a view to this result, that the principle of primogeniture has been abolished in the several States, which gave to one member of a family the whole real estate; it is with the same view that the principle of entails has been abolished, which perpetuated the estate, so given, in the particular person, and his heirs in a particular line. These principles are two of the strongest pillars upon which a monarchy rests, because they concentrate the property of the country, and with it the power and influence of a few; but the very reverse of this is the proper policy in our Government; with us not concentration, but the most extensive and universal diffusion is the great desideratum; the very same property which, when broken into small parts, spreads plenty, comfort, and independence, over a whole country, when accumulated in the hands of a few, begets the extremes of great wealth and great poverty; by this, one portion of the society is too much elevated, the other is too much depressed; the one feels arrogance, the other submission. In such a state of things, the force of political institutions would be continually impaired by the aristocracy of wealth. Inasmuch, then, as I believe that the effect of this bill would be to produce this concentration of wealth, so much to be reprobated, and thus place the General Government in the attitude of counteracting the policy of the States, which,

as I have said, consists in promoting a diffusion of property—in this point of view, I think there is a strong political reason, derived from the nature of our institutions, in aid of the general principles which I have been discussing.

In relation to our people they have, from a combination of circumstances, the most important of which is the immense quantity of new and fertile land, been always accustomed to the pursuits of agricultural life. The force of habit, then, co-operates with other causes to give them a preference to that kind of labor; but I have already endeavored to prove that it is more contributive to the health of the body and the independence of the mind. If these positions be correct, and especially the last, agriculture is a pursuit which, more than manufactures, fits the people for the Government under which they live. Surely it cannot be the part of a statesman, by legislation, to hold out an inducement to the people to abandon that pursuit which qualifies them for the station in which they are placed by the social compact under which they live; not to perform the part of mere servile obedience, but to fill the station of independent freemen, who, by their representatives, themselves make the laws by which themselves are governed.

In relation to our country, let it be remembered that Europe, particularly the manufacturing part of it, is well peopled, whilst our population is extremely sparse. The population of England, including Wales, in 1803, was 169 to the square mile; in France it was 174 to the square mile. In 1810, the population of Connecticut, the most populous State in the Union, was 56.04 to the square mile; that of Virginia only 13 and a fraction; and, admitting the superficies of the United States to be two millions of square miles, the whole population is only three and eighty-three hundredths to a square mile. See Seybert's Statistical Annals. The whole land of England and Wales is estimated by Bristed at 38,500,000 acres. I have already said, that Seybert estimates the United States at 2,000,000 square miles; this, reduced to acres, amounts to 1,280,000,000 acres of land. Now, sir, it seems to me, that it would be almost sufficient to state the relative population and territory of the two countries, to convince any man that what may be a correct policy in relation to England, would be highly improper for us to pursue.

The population of England and Wales, in 1803, exceeded that of the United States in 1810, and yet the territory of the United States is more than thirty times that of England and Wales; whilst the population of the United States, to the square mile, is more than forty times less, including our whole superficies. Manufactures suit a redundant population, with a confined territory; such is the case of England: they do not suit a sparse population and a redundant territory; such is the situation of the United States. Manufactures, if not forced into existence by artificial means, are the natural result of an overflowing capital; it never can be said that the capital of any country can be of that kind, whilst there are millions and tens of millions of acres of the most fertile land yet uncultivated; such is the situation of the United

APRIL, 1820.

Revision of the Tariff.

H. OF R.

States. Whilst there is land of this sort to cultivate, its cultivation is the most profitable appropriation of capital. Take, for example, a quarter section of land at its present price, amounting to two hundred dollars; let but one half of this be well cultivated, and I know of no application of the same capital, unconnected with mere speculation, which would yield an equal result; the mere maintenance of the family, which would be derived from it, exclusive of the produce which might be sold, under ordinary circumstances, to an amount equal to the capital invested, would be more than the profit of any other appropriation with which I am acquainted. What is true of one quarter section, is equally true of every one in the United States, as long as one of good quality remains in an uncultivated state. There is an argument derived from the influence of machinery upon manufactures, which I beg leave to present to the Committee, because it seems to me to be entitled to very great weight. To make the application, I will first present a few facts. In a note to Lauderdale, on Public Wealth, page 294, it is said, that a machine at Derby contained 26,586 wheels, and 97,746 movements, that work 73,726 yards of silk at every turn of the wheel; that is to say, 318,504,960 yards in twenty-four hours. In the same book, page 301, it is said that, in Scotland, it was estimated that a still could be discharged about once a day. In thirteen years afterwards, they had arrived at such perfection as to discharge it almost twenty-two times in an hour—that is, upwards of five hundred times as often. These statements appear to be such as almost to startle credulity. Let us take some much more moderate, and which will answer all the purposes of my argument. In Ganilh's Political Economy, it is said that Sir Richard Arkwright's invention of the cotton-spinning machine shortened that kind of labor by two-thirds, and rendered it twenty times more productive than it had been before. In a supplement to the Philadelphia address, of 1819, it is said that a British spinner can, by the intervention of labor-saving machinery, spin as much by one person as requires in India sixty persons. Finally, in the same book, it is said, upon the authority of a British writer, that the whole laboring population of Great Britain has its powers multiplied fourteen times by machinery. The author makes an estimation which would reduce it to about twelvefold. The general purpose for which I have made these quotations is this—to present to the advocates of this bill a dilemma from which it seems to me they cannot extricate themselves. The first part of it is, that, if we have not the advantage of labor-saving machinery, it is utterly impossible to sustain a competition against the foreign manufacturer; the other is, that, if we have that machinery, our other advantages are such that our manufacturers do not need any further protection from the Government. The first proposition is, that it is impossible to sustain a competition, unless we have the advantage of machinery. If I were to take the case of the still which I have stated, and rely upon that, it would be so striking that the mere statement of the fact would super-

seede the necessity of argument or comment; for all will agree at once that distillation, carried on by a still discharged once a day, could not maintain a competition against that carried on by a still discharged five hundred times a day; that is to say, could not maintain a competition where the odds were five hundred to one.

But, sir, I will not call this extreme case to my aid; I will not even use the much more moderate statement of the British machinery making one British spinner equal to forty India spinners, besides an allowance for the expense of the machinery; I will take the minimum estimates; I will suppose that the physical labor is multiplied twelve times by machinery; and I will ask whether, even under these circumstances, we could possibly sustain a competition without ourselves having the aid of machinery? I will venture to answer the question for the Committee, and say, it would not be possible; for the obvious reasons, first, that the odds are twelve to one against us, with the exception of the cost and expense of the machinery; and, secondly, that if we attempted to balance it by eleven additional workmen, we should be subject to the enormous comparative disadvantage of paying the wages, and furnishing the clothing, food, and maintenance of eleven persons, whereas the machines require no food or clothing, the only accruing cost being the interest of the original price, and the wear and tear of the machine. If it be said that we have not the machinery, then I answer in the alternative, that, if our manufacturers have the capital, and will not appropriate it in that way, it is their own fault; if they have not the capital which would enable them to buy the machinery, then the Government cannot furnish it, and without it they are not ready for manufactures.

The second proposition is, that if our manufactures have the machinery, their other advantages are such that they need no further protection from the Government. Take, for example, the two great articles of cotton and woollen goods; upon these the existing duties are twenty-five per cent.; when, in addition to this, it is recollected that the raw material is raised here, whereas the foreign manufacturer has to purchase it at a considerably enhanced price, and that he also is subject to the charges and risk of transportation to this country, the whole advantage of the domestic manufacturer may be estimated moderately at thirty-five per cent. or more. As to the coarse cotton goods beyond the Cape of Good Hope, it is greatly more, because the duty is estimated upon them as if their minimum cost were twenty-five cents per yard, whereas, in point of fact, it is not more than ten cents. If with this advantage we cannot sustain the competition, it argues such a want of skill or economy, or something else, as to show that we are not ready yet for manufactures.

But I will not detain the Committee longer with hypothetical reasoning, but will come to some facts, which will show that it is the want of perfect machinery, which makes the great difference against us. It is said, in the supplement to the address of the Philadelphia Society, which I have before re-

ferred to, that we have beaten England out of our market, in hats, shoes, boots, and all manufactures of leather; that we are her superiors in ship building; and the reason assigned in that work is, that these are all works of the hands, where labor-saving machinery gives no aid. But again, sir, in the same address we are presented with the results of a cotton manufactory near Boston, from which it appears that three hundred persons, consisting of fourteen men and two hundred and eighty-six women and children, with the aid of power-looms and other machinery, produce at the rate per annum of 1,500,000 square yards of cloth, amounting, at twenty-five cents per yard, to \$312,500; which, after deducting the price of the raw material, leaves \$240,000; equal to eight hundred dollars to each hand. This, surely, is a result which any capitalist ought to be content with; and, accordingly, we are informed that the owners of this establishment are satisfied, and ask no protection from the Government. In the same address we are told, upon the authority of a report of the Committee of Commerce and Manufactures, in 1816, that in the year 1815, there were engaged in the cotton manufactory about 100,000 persons, consisting of 10,000 men, 66,000 women and female children, and 24,000 boys, who made only 81,000,000 yards of cloth.

Now, sir, it will be seen, by a comparison of these two statements, that, if the 100,000 persons, in the year 1815, had made a quantity of cloth in the same proportion to their numbers, as the manufacturers near Boston did, instead of 81,000,000 yards, which they did make, they would have made 500,000,000 yards. It will be seen, also, that, taking the quantity of cloth which they actually did make, to wit, 81,000 000 yards, and allowing the same proportion to the persons engaged, as in the manufactory near Boston, (called, I believe, the Waltham) instead of 100,000 persons, there ought only to have been 16,200 engaged in the manufacture. And what, let me ask, is the cause of the enormous difference between these two results? Sir, the book itself assigns the reason, which I will give you in its own words: speaking of the product of the Waltham Factory, it says, "the reason why the result of this calculation so far exceeds the proceeds of the labor of the 100,000 manufacturers in 1815, as stated in page 201, is, that the machinery of the establishment near Boston has been brought to the last degree of perfection; and the power looms, which afford immense facilities to the operations, were very rare in 1815." Here, then, is the very principle for which I am contending, namely, that when we have the best kind of machinery, we do, in point of fact, a prosperous business. If that be the case, I contend that it is not to be expected that we can furnish the capital to purchase this machinery, when it is not owned; and if the manufacturer have this capital, he wants not governmental aid, but only the appropriation of his own money, together with ordinary care and prudence in the management of the establishment. I forgot, sir, to mention another decided advantage in favor of the American manufacturer, which is the greater

cheapness of provisions, a consideration entitled to considerable weight in the account. If it be said, the wages of labor are higher in the United States than in Europe, I answer, first, that the same supplement to the Philadelphia address, to which I have so often referred, seems to consider the rate of wages as not being any considerable objection. But it is indifferent to me whether the wages of labor be considered too high or not. Gentlemen may have this point either way. If they be considered not too high, then there is no reason, upon this account, to ask for protection; if, on the contrary, they be considered so high as to make it difficult for the American manufacturer to sustain a competition against the European, then, there results, from that fact, an inference almost irresistible against our manufacturing at present. To make myself understood upon this point, I must ask the attention of the Committee to the nature of the wages of labor, and the circumstances which make it high. Capital will never long be appropriated to any business which does not yield the ordinary profit. The wages of the laboring men employed must always be subducted before that profit can be calculated. If, then, those wages be high, and the business yet carried on, it appears satisfactorily that, after the payment of such wages, it is capable of yielding the usual profit. Any description of business which, whilst it yields the usual profit to the capitalist, affords higher wages to all the laboring men employed, than any other business, is more promotive of the public and private prosperity of the country than that other. But, further, the rate of wages depends upon the demand for labor; as that demand is increased by the increasing wealth of the country, and cannot otherwise be increased, so the greatest degree of demand will be for that description of labor which is most productive. When, therefore, I am told that the present pursuits of the country afford high wages to labor, and so high that manufacturers cannot pay them; I answer, then, that manufactures are less profitable than those pursuits, and, consequently, they ought not to be sustained at the expense of pursuits yielding more profit than they do. But, sir, why do I pursue this investigation further? We have been told, by the Speaker, that there are millions of capital now waiting for and seeking an employment. I will add, that I have understood a large sum could be borrowed by the Government, at five per cent. We have been told, too, and the declaration has been iterated and reiterated, that there are thousands and tens of thousands in the United States, who, for want of employment, are unable to maintain themselves and families. If all these ideas be correct, then, I appeal to the candor of the Committee, whether manufactures ought to receive any legislative protection. From representation, it would seem that capital is dormant, laborers out of employment, of course that a small profit would be satisfactory, and that wages of labor would be small; and we know the fact which I have stated to be correct, that our provisions are cheap, our materials raised at home, and, in short, if we have the machinery suited to the purpose, that we have every advantage in our favor

APRIL, 1820.

Revision of the Tariff.

H. OF R.

except that of experience, and even that we can command from abroad.

Yet we have heard the most doleful Jeremiahs in relation to the condition of the manufactures of the country; we have been told they were lying prostrate for want of encouragement; we have been told, by the Speaker, that, in travelling to the North, he inquired, what ruinous building is that? and was answered, it is a cotton factory. And what is that? Another cotton factory. Indeed, sir, the desolation of the manufacturing establishments has been described, by that gentleman, in a manner almost as impressive as are the halls of Balcutha, where, we are told, that the rank grass grows upon the wall, and the fox peeps out of the window. But, sir, if manufactures be prostrate, so also are commerce and agriculturally equally low themselves, needing some reanimation, and in this prostrate and almost inanimate condition, instead of breathing new life into them, they are to be still more oppressed, by heaping upon them additional burdens in favor of manufactures—I had like to have said, by inflicting upon them, in part, the punishment of *peine forte et dure*—that is, putting upon them as much as they can bear, and more than they can bear. In order to understand and duly to appreciate the complaints of the manufacturers, it behooves us to take a short retrospect of the history of the country; that retrospect will show us, first, that the apparently unprosperous condition of manufactures, compared with what it was a few years ago, is the result of adventitious circumstances, and that, therefore, it is not to be remedied by any permanent system of legislation; and, secondly, that the same circumstances have also greatly, if not equally, affected the other great interests of society, and that, therefore, the remedy for the sufferings of the one is not to be found in a system, the effect of which will be to increase the sufferings of the others. Without detaining the Committee, to inquire minutely into the causes that led to it, the fact is of universal notoriety that, during the late war with Great Britain, and for some time after, the channel of circulation in the United States was filled to overflowing with a paper currency, the prevailing one of the country. One of the immediate causes of this, was the countenance afforded by public opinion to the banks, (the paper mints,) in suspending specie payments, and thus removing the only effectual restraint upon the cupidity of stockholders. This led, not only to the multiplication of new banks, but to the excessive issue of paper from the old ones. I promised the Committee, however, not to detain them with an inquiry into the causes, and I will, therefore, proceed with the assumption of the fact, that the country was deluged with an inundation of paper currency; for the amount, I refer you, sir, to the report of the Secretary of the Treasury, from which it will be seen that, from the year 1816 to the close of the year 1819, the currency of this country had been reduced from about \$110,000,000 to about 45,000,000.

The profits of manufacturing had been such during the war, that many were allured to embark

in it, and a great portion of them without an adequate capital of their own, but deriving resources from the facility of bank accommodations. The great depreciation of the currency, on account of its excessive quantity, caused every description of property to sell extravagantly high. This would have been nominal only, if the currency had continued of its then value; but its subsequent great and actual appreciation has fatally proven that, what was only a nominal high price in the commencement, has turned out to be actually so, to the ruin, or at least embarrassment of thousands. Thus, a considerable portion of the investments in manufacturing establishments was made whilst every thing was at or near the acme of extravagant price, and in many instances, too, upon a borrowed capital. This was not confined to manufacturers; every interest in the country, and amongst others, the agricultural, has been deeply affected by this state of things. Whenever, from any cause, the circulating medium of a country begins to undergo a rapid depreciation, the immediate and necessary effect is, that every kind of property begins to be represented by more dollars, the number of which increases as the depreciation increases. This is almost universally considered a rise in the actual value of property, and hence a spirit of speculation is awakened amongst all classes of the community; purchases are made, contracts are entered into, as if the present prices were not only to continue, but to increase. Soon, however, depreciation reaches its height, and, according to the course of human affairs, the currency begins to move in a contrary progress; appreciation now marches with as gigantic strides as depreciation had done before; and the consequences are seen in the ruin of thousands, who, but yesterday, as it were, seemed to be in a tide of prosperity. The condition of the United States is a practical commentary upon this reasoning. Within three or four years past, the farmer got two dollars per bushel for his wheat; the cotton planter thirty cents for his cotton; the tobacco planter from twenty to thirty dollars per hundred for his tobacco; contracts and purchases were made, predicated upon this state of things; lands which, a few years before, had sold at ten and fifteen dollars per acre, now sold for twenty and thirty; slaves, who had sold at four or five hundred, now sold for eight hundred or a thousand; and so of all the other transactions in society. The great bulk of society cannot distinguish between a rise in price, which is the result of depreciation in the currency, and that which proceeds from actual appreciation in the value of property.

Now, sir, the more clearly to illustrate my idea, let me take some individual contract for the payment of one thousand dollars; five hundred bushels of wheat, at two dollars per bushel, would discharge it. But let us suppose that, though wheat sold at this price when the contract was made, it fell, before it was discharged, to one dollar. Here it is obvious that half the amount remains unpaid, though the resources are the same. Now what is true as to this single transaction, is equally true as to all the contracts in society; and consequently,

upon the hypothesis stated, half of all those contracts would remain unsatisfied, though the resources in kind were as great at the period for completing the contracts as when they were made. The report of the Treasury furnishes a pretty good standard of the actual degree of embarrassment in complying with the contracts of society. There are \$45,000,000, out of which to comply with engagements entered into when the circulating medium amounted to \$110,000,000. Let every gentleman bring home to himself the difficulty which he would feel in performing his contracts, if his cash were reduced in the proportion of from \$110 to \$45, and he will at once realize the whole embarrassment of all the people of the United States, whose currency is reduced, it appears, in that proportion. In this embarrassment the manufacturers participate, in common with their fellow-citizens of every other class; and this view of the subject will show that the manufacturers mistake greatly in the mode in which they estimate their profits. That estimation should be made, not upon the nominal amount of their capital invested, but upon what it is now worth. Sir, I know that this change has operated severely upon them; but I have shown that it operates equally upon the agricultural and all other interests in society. Take the case of the farmer. If, sir, we were to estimate the profits of a Virginia farmer upon the nominal amount of his capital in lands, slaves, &c., three years ago, with a sale of his produce at the present prices, none scarcely would make two per cent., few would make one, and thousands not half an one.

But, sir, I wish to present another view of this subject, which will meet many of the complaints which have been urged. This view, I acknowledge, does not apply to the manufacturer, who commenced upon a borrowed or fictitious capital, and who is now indebted for the original investment; but surely it is not the purpose of any gentleman to furnish such persons the means of reimbursement of the capital which they have borrowed, and injudiciously invested; that would be to make us the insurers against the losses of all the improvident speculators in the country, and would be as unreasonable as to relieve the farmers of the country who had made injudicious purchases of land. Then, sir, let us take the case of a manufacturer, who owes nothing for his manufacturing establishment, which I will suppose to be paid for with his own funds, and I will show that a much less apparent profit will be, to him, intrinsically as valuable as a greater apparent profit would have been a few years ago. In 1816 cotton sold at 30 cents per pound, now at not more than fifteen; provisions, and every thing necessary for the maintenance of labor, are now much cheaper than they then were. See the operation of these things; suppose, in 1816, a bushel of wheat sold at \$1 50, and that it now sells at one dollar; if, in 1816, cotton cloth sold at 30 cents per yard, and now it sells at 20 cents, it is substantially just as good a sale; for, though there is a nominal fall of fifty per cent. in the money price, yet the true value of any thing is the quantity of the produce of other's labor which it will command; and now twenty cents

will command as much of that produce as thirty did a few years ago.

I could multiply illustrations of this kind, but these will be sufficient to show that a part of the complaints of manufacturers is founded upon a mistaken mode of estimating their profits, and another part, upon estimating the nominal or money price of their fabrics, for the actual or intrinsic value, or the power which they give in commanding the labor of others. Another great error, in estimating the profits of manufactures, is this: I have already shown to the Committee, that the Committee of Commerce estimated the number of persons engaged in the cotton manufactory in 1815 at 100,000. I have also shown you that, with the aid of machinery, such as there is at Waltham, and taking the number of hands there as the standard, 16,200 persons would have been sufficient. Now, sir, supposing that, whilst the price of every thing else has fallen, the wages of labor should remain the same, and supposing, too, what I think extravagant, that \$150 each ought to be estimated as the wages, though nine-tenths of them are women, boys, and female children, yet, in this item alone, there is an over-estimate in the expenses of \$12,570,000.

We have been told, however, that England has derived her immense wealth from manufactures, and we have been, therefore, much pressed with the weight of her example. I have already endeavored to show that in this country a different appropriation of capital is more profitable, and that, therefore, it is impossible to increase the national wealth by diverting it to a less profitable one. If I have succeeded in this, whatever may be the case in relation to England, her example is not for our imitation. I beg leave, however, to tell gentlemen that, although England has derived much of her boasted wealth from manufactures, yet she has derived a large portion of it from various other sources; she has had, for a long series of years, with the unavoidable interruptions of war only, the most extensive foreign commerce in the world; she for a long time had the monopoly of the commerce of the United States, then her colonies; she now has it of her American and West India colonies; but, above all, she has derived immense wealth from her East India possessions. Whatever may have been the fate of her East India Company, the nation itself, *per fas aut nefas*, by monopoly and oppression, have been much enriched from that extended empire, embracing a native population of forty millions of people. Let us for a moment inquire into this somewhat in detail: Colquhoun, a modern British writer, informs us, that the gross revenue of the East India Company's possessions amounts to upwards of £18,000,000; the same writer states that there are 6,000 British people, who, as civil and military officers, receive salaries of from £200 to £10,000. Besides the East India Company, there are in their territorial possessions 4,000 free British merchants; from salaries, and from the profits of the free trade, large sums are accumulated by individuals, which find their way to the mother country. It is true, that almost all the gross revenue is expended in

APRIL, 1820.

Revision of the Tariff.

H. OF R.

the company's possessions; but I refer the Committee to the history of that suffering country, to conjecture of how much they have been plundered by the natives of England, who return to their native land to riot upon the spoils which their rapine has produced. I speak upon the authority of Colquhoun, when I say that England has been much enriched from that source. But, after all, what is this boasted wealth of England? Is it distributed amongst the people at large, so as "to scatter plenty over a smiling land?" No, sir, it is collected into the hands of comparatively a few; in the language of another, "it sprouts into wens and tumors, and collects in aneurisms which starve and palsy the extremities."

Sir, the emblem of England is a painted sepulchre—fair without, but carious within. View that country at a distance, and you see a powerful navy, an extensive commerce, and a great system of manufactures, promising almost boundless wealth; but lift the curtain—take a nearer view—and you behold much more to regret than to admire. Such a view will present to you the following picture: the country mortgaged as it were by a debt, the mere interest of which is greatly more than the principal of our national debt; this interest paid to the public creditors, who are less than one million in number, whilst the whole population of Great Britain and Ireland is between sixteen and seventeen millions. To pay this interest and the current expenses of Government a revenue was raised for the year 1819, (which for that single year was £54,000,000 sterling,) equal in our currency to considerably more than double the whole capital of our national debt, and then leaving a deficiency of £14,000,000. The taxes to meet this enormous expenditure, supposed to be at least four pounds sterling to every man, woman, and child; the poor rates for 1815, estimated at £7,800,000, equal to \$34,632,000—a sum considerably larger than the whole annual expenditure of the United States' Government, including the Sinking Fund of \$10,000,000—the paupers estimated as being between a fifth and a sixth part of the whole population of England. Such are some of the outlines of the picture which England presents. There is indeed much wealth in the country, but so distributed as to make extreme riches and extreme poverty—a state of things which I ardently hope never to see existing in the land which gave me birth.

Before I quit this part of the subject, I cannot forbear to call the attention of the Committee to an estimate made of the immense productiveness of manufactures, in the Address of the Philadelphia Society, first number of the new series. It is there stated, and attempted to be shown by calculation, that the cotton manufacturers of Manchester, with a bale and a half of cotton, costing only seventy-five dollars, by working it up into cotton cloths, investing the proceeds in cotton, manufacturing this cotton in the same manner, and thus carrying on the business in successive operations, can in 20 months create a product equal to \$62,428,000. Astonishing, indeed! If this calculation be correct, what pursuit in the United States can be so profitable as manufactures? None can approach

it; and therefore, in this view, the aid of Government would not only not be necessary, but the extreme of injustice.

But, say gentlemen, it is necessary to adopt this policy, with a view to render us independent of foreign nations. Sir, if by this he meant that we ought to have within ourselves the means of furnishing the necessary ships, munitions of war, &c., then we are independent. But, if gentlemen mean to say that we ought to be independent of all other nations in all those various articles which minister to our convenience or luxury, then it is equivalent to a declaration that we ought to have no commerce. For, what is commerce but an exchange of equivalents—an exchange of those things between nations of which they are mutually and reciprocally in need; and as to which, therefore, there is a mutual and reciprocal dependence? The true principle of political economy is this: make yourselves entirely independent of the world, as it respects what is indispensable to your safety and defence. As to every thing else, the single inquiry should be, of whom can it be purchased, so as that, with the same sum, the greatest quantity of equal quality can be gotten; that is, in other words, where can it be got cheapest? For, if we pay more where we could get it for less, one part of this dilemma is inevitable—either the purchaser is injured to the amount of the difference which the manufacturer receives as a profit, or if that be necessary to sustain the manufacturer, then the community is injured, by this forced and unprofitable appropriation of the capital of the country.

We have been told, however, that all the Governments in Europe which have not encouraged manufactures have fallen into a state of poverty; and we have had the examples of Spain and Poland presented to us as completely illustrative of the proposition. Gentlemen might have found a much stronger reason for the poverty of these countries, in their history and political institutions. Poland is now blotted from the map of Europe; but even during its existence as a State, we know that the feudal system was in full operation; that there was on the part of the nobles, the most aristocratic oppression and tyranny, and, on the part of the great mass of the people, the most abject dependence and slavery. The peasantry of the country labored not for themselves, but for others; they labored, therefore, without the only great stimulus to exertion; and, consequently, there was neither the industry nor skill which we find in a country where the people are free, and where they are protected in their rights of person and property. The feudal system once prevailed in Spain also; but even since its abolition, the Government of that country has been of the most wretched kind; their tax upon the exportation of specie made it less valuable than in the other countries of Europe, except Portugal; they greatly impeded the intercourse among the different parts of the Empire by a tax upon transportation; but, above all, the administration of justice was so imperfect as to protect the debtor against the demands of the creditor, and thus "make the industrious part of the nation afraid to prepare goods for those

H. OF R.

Revision of the Tariff.

APRIL, 1820.

'haughty and great men to whom they dare not refuse to sell on credit, and from whom they are altogether uncertain of payment.'

These are the reasons why these countries are poor, and why no kind of pursuit, and particularly that of manufactures, is carried on there with the same industry and perseverance as elsewhere. Look at the history of England herself, while the feudal system galled that people with all its fetters, and you find that manufactures, as well as every other pursuit, made but slow progress in that country also. What villein will labor like a freeman? None; until human nature is so formed as that we will labor with as much ardor for the benefit of others as we do when we ourselves are to reap its fruits. But when England had emancipated herself from feudal thralldom; when, by means of commerce, and otherwise, she had accumulated an immense capital; when, above all, she had, by her ingenuity and capital, first invented, and then put into active operation, the finest machinery in the world; then she took the lead of the rest of the world in manufactures. Have you any doubt as to the extent of the influence of her capital and machinery? As late as 1782, the cotton manufacture was among the humblest of the domestic arts, and did not exceed £2,000,000 sterling. We learn from Colquhoun that, in 1812, the product, including the material, was £29,000,000.

Gentlemen have conceded, that the proposed system would be improper, if it was not that the nations of Europe, and especially England, have pursued the plan of positive prohibition, or high duties almost amounting to prohibition, towards us, and they call upon us to imitate their example. The first answer to this is, what, I believe, has been already urged, that it would be strange conduct, because foreign nations have injured us by prohibition or high duties, we should, therefore, injure ourselves still more by creating a monopoly in favor of a part of our own citizens, at the expense of the rest. But let us now trace the course of the English policy, and the reasons which led to it, together with the point at which it has now arrived, and I think I shall be able to show that it ought to be avoided, not pursued. Governments as well as individuals seem, at times, to have their hobbies; perhaps there are few subjects in relation to which the hobby has been oftener changed than that of political economy, or the art of making a nation rich; at one time, the commercial or mercantile system is the fashion of the day; at another time, the doctrine of the French economists prevails, that agriculture is the only source of wealth; now it seems that manufactures alone can save us from ruin and bankruptcy. But I return to the English policy, and the reasons which led to it. During the prevalence of the mercantile system, the general idea was, that wealth consisted in gold and silver, and that a nation having no mines could only get them by exporting more than it imported. By the use of this kind of reasoning, persons interested in the monopoly of the home market induced the Parliament either to prohibit or lay heavy duties on importation; and

those concerned in the foreign market also prevailed, so as, in some instances, to get bounties upon exportation. For some time this was submitted to, but, at last, the country gentlemen began to perceive these operations, while they benefited certain classes, were directly at their expense. With a view, then, to counteract their effects, they have, after struggling at different times, procured, as offsets, the following provisions: the total prohibition, except from Ireland, of cattle and salted provision, an exclusion of all foreign corn, unless when the scarcity is such as to raise the price to eighty shillings per quarter, a monopoly price, and a bounty upon the exportation of their own corn. Now, sir, I ask the Committee whether a system of policy can be worthy of our imitation, which, setting out upon entirely false principles, creates a monopoly in favor of one part of the community at the expense of the other, and then seeks to restore the equality by a set of countervailing provisions in favor of the injured party? Equality is the desideratum; you may, after having made one scale much heavier, restore the equilibrium by putting an equal weight in the other; but, if you put a weight into neither scale, the equilibrium has never been destroyed. Thus it appears that all which can be hoped for, after piles of regulations as high as Atlas, would be, by legislation to restore an equality, which, by legislation, we had destroyed. My course, therefore, is, to remain where we are, and not disturb the balance because we may afterwards restore it; if, however, we must imitate the English system in part, I hope gentlemen will give it all; a part of which is a bounty upon the exportation of their corn. If gentlemen will give us a sufficient bounty on the exportation of our breadstuff, that would restore us to our original equality. But, it is said that England imposes a duty upon our wool. Do not gentlemen see that, unless that duty is drawn back, upon exportation, to the United States, it operates to the advantage of the domestic manufacturer, by increasing the cost of the British article? And, if it be drawn back, then it is entirely neutralized. England, also, say gentlemen gives her manufacturers a drawback upon exportation; and, in some instances, a bounty. It requires only to define the terms drawback and bounty, to see that there is nothing in this complaint. The drawback upon the English manufacture is, where an excise duty is imposed by the British Government, which raises the price at home; but, as they cannot regulate the foreign market, therefore, upon the exportation, they draw back this excise, in order that their people may come into foreign competition, not encumbered with this increase of cost. The case of the bounty is, if possible, still plainer; it is given only where, without this aid, the articles could not, upon exportation, withstand a foreign competition. Any article thus situated, it is obvious, cannot injure the American manufacturer; that is, if the bounty be not too large; and, if it be, the British Government has injured its people in favor of a particular class, and then the argument is, that we must inflict a like injury upon the American citizen, in favor of the same

APRIL, 1820.

Revision of the Tariff.

H. OF R.

class; an argument, the weight of which it is submitted to the Committee to appreciate.

We are warned by gentlemen that, unless we establish domestic manufactures, to the exclusion of foreign, we shall import more than we export, and thus produce national bankruptcy. That may, and actually has, happened with one or more particular countries. Thus, for a series of years, from 1805 to 1811, the balance of trade with England was against us, to the amount of upwards of \$26,000,000 per annum. Whilst, however, this may be the case as to one or more countries, it is obvious that it cannot, for any length of time, be the case in relation to the whole circle of our commerce. If the whole of our exports for any considerable time should fall short of the whole of our imports, a debt to the amount of the difference would be created against us, which would injure us by affecting the exchange disadvantageously to us. It would injure our credit, too; and, finally, even if we would go on, it must stop, for want of credit; for, as individuals will not, so neither will nations, part with their property without an equivalent. But, sir, another effectual check to this is in ourselves. Amongst every people, as there will be some misers, so there will be some prodigals, who will run into wild and excessive expenditure; but the great mass of every community are governed by prudential considerations, and will confine their expenditure within their income; and if, from any miscalculation, they should outstep the proper limits, they have a perpetual tendency to fall again within them; accordingly, sir, you will find this hypothesis confirmed by looking at the report of the Treasury Department; from that you will find that the customs in 1815, amounted to upwards of \$36,000,000; in 1816, to somewhat more than \$27,000,000; and, in 1817, only to about \$17,000,000 and a half; thus proving, incontestably, from official documents, that our imports were diminished more than one-half between the years 1815 and 1817. Let not gentlemen, then, alarm themselves with the illusory apprehension that, without this system, we shall bring on national ruin by excessive importation; the corrective to that evil may be safely trusted to the people.

The advocates of this bill, after having exhausted all their stores of argument in its favor, as applying to the general principles upon which they attempt to support it, have addressed themselves directly to the agricultural interest, and endeavored to show that the encouragement of manufactures, by legislative aid, is indispensable to the prosperity of agriculture. Whilst I feel obliged to them for the kind dispositions they have manifested towards that interest, I must beg leave, for myself and for my constituents, to say, that we choose to judge for ourselves as to the means of promoting our individual prosperity; and that, as we think they would, in this instance, (no matter how good the intention) do us an injury, instead of a benefit, we must be excused for declining their proffered kindness. But permit me to examine their arguments upon this point. They remind us of the present very low price of agricultural produce, and then

tell us that the effect of the encouragement of domestic manufactures will be, to give us a sure, steady, and better market. In the first place, I would remark, that, if upon this point we are content, I do not see why gentlemen should feel so much uneasiness in relation to our interest; even more than we should feel ourselves. It at least does not belong to them to complain of the low price of agricultural produce, which I have already had occasion, in the progress of this argument, to show, operates directly as a bounty on manufactures. But, sir, the promise of a better market at home than abroad, is perfectly delusive, as I will now attempt to prove. It is agreed on all hands that, if this bill pass, we shall pay a higher price for manufactured articles. Now, sir, let me call the attention of the Committee to the relative price of wheat and domestic cloth, (which I some time since noticed for a different purpose,) in order to illustrate my present view. Suppose that I should even receive one dollar twenty-five cents for the bushel of wheat, for which I now get only a dollar; if, in consequence of this bill, the cloth, which I formerly got for twenty cents per yard, be raised to thirty, the effect will be, that, whilst the nominal price of my wheat will be raised, its actual value will be diminished; that is to say, the same quantity will command less of the produce of others' labor, which is the true test of value.

The Speaker has holden out to us a discouraging prospect indeed, in relation to our market for agricultural produce. He has told us that, as we now scarcely have any market abroad, our situation, in this respect, will be continually becoming worse; that our surplus will increase in the ratio with our increasing population, so as that it will be impossible for us to command a foreign market for it. Sir, the very foundation of the Speaker's argument fails in this, that our surplus produce will not increase in proportion to our increasing population. The principles of Malthus upon this subject, I hold to be undeniably true, that population has a perpetual tendency to increase beyond the means of subsistence; and that, whilst food increases arithmetically, it is of the nature of population to increase geometrically; that is, within given periods, to double whatever was the capital stock at the last preceding period. It makes no difference that, in this country, our population is sparse, and our territory immense. These circumstances only prove, that the time will be more distant when population will reach the limits of food, and thereby be impeded; but they do not at all affect the truth of the general principles; and, in our legislation upon this great question, this or the next year should not constitute our horizon, but we should look along the line of time, and legislate for futurity.

Let us, then, bring these principles to a practical test, by applying them to the United States. It has been computed, upon the best statistical data that we have, that our population is duplicated in every period of twenty-three years and a fraction of a year. Supposing, then, the capital in the present year, 1820, to be ten millions, the next period of twenty-three years would give us twenty

H. OF R.

Revision of the Tariff.

APRIL, 1820.

millions, and the next, that is, in the year 1866, would give us forty millions. Now, it is palpable that our subsistence will not increase in the same proportion. I speak not now of the rich lands of the West, whose productive powers are such that, as far as they extend, they would tend considerably to supply the deficiency of the old States. Let it be remembered that the attachment which we feel to the *natale solum* is so strong, that but few of us emigrate to the wilderness who have a tolerable prospect of support in our native place. Under the influence of this principle, I think it would be a large calculation to suppose that one per cent. of our population emigrate annually; which, supposing the capital to be ten millions, would be one hundred thousand. The remaining nine millions nine hundred thousand, then, would remain upon the soil which they formerly occupied; and we know by experience that, without great industry and application, and without a meliorating system of husbandry, the soil not only does not improve so as to double its productive powers in about twenty-three years, but that it does not improve at all; nay, that it will be in a continual state of deterioration; the direct consequence of which is, that there will be a continually increasing necessity for more labor to raise the same quantity of agricultural produce; and if, even with the best system of husbandry, the produce of the soil could be doubled once or twice, no one will say that it could go on increasing indefinitely, like the population to be fed from it, in a geometrical progression. This, which is thus far hypothetical reasoning, may be shown to be a fact in the history of our country, by reference to the Statistical Annals of Dr. Seybert. From them it will appear that the maximum quantity of flour ever exported from the United States, was in the year 1817, being one million four hundred and seventy-nine thousand one hundred and ninety-eight barrels; that, as early as 1803, there were exported one million three hundred and eleven thousand eight hundred and fifty three barrels, having increased in fourteen years only one hundred and sixty-seven thousand three hundred and forty-five; whereas, to have kept way with the supposed increase of population, it should have been the result of a diversion of the labor of the country to some other employment, then I answer, that supposition equally well suits the purposes of my argument; for it proves that the people of the country know their own interest sufficiently well, without governmental interference, to change the employment of their labor and capital whenever their interest requires it. Let it be left with them, and the moment which is proper for the change will be indicated by their interest. As long as agriculture affords them the same, or nearly the same, profit as other appropriations of capital and labor do, they will pursue it; whenever it begins to fail to do this, at that precise point of time, without the Government keeping watch and ward, it will flow over into some other channel. Look at the clear proof that the people know how to change, and that they will change, the application of their capital and labor, in the Treasury report of the exports of 1819. It

appears from that, that in 1819 we exported only 750,660 barrels of flour; whereas, as I have just said, but two years sooner, to wit in 1817, we exported 1,479,198 barrels. The Committee may rest assured that the capital and labor of the country were not idle, but were employed in some other way. And, indeed, sir, if gentlemen could even imagine a state of things in which we could not find a market abroad for one barrel, we could yet, even in a mere change of taste, find an obvious resource. From the same Treasury report it appears that there were imported into the United States, in the year 1818, 6,052,453 gallons of foreign spirits. We should only have, in the last resort, to convert our grain into spirit, and thus we should at once dispose of nearly four-fifths of all the wheat, the flour from which was exported last year. And whenever the time arrives that we have no foreign market, or from other causes, it shall become our interest to do so, I tell gentlemen we shall neither need the advice nor the coercion of Government to induce us to do it.

It has been said, however, and insisted on, with much earnestness, that agriculture has been aided by Government, and that the very bill now under discussion guards it by protecting duties. We are, therefore, called upon, in the name of justice, to afford a reciprocal protection to manufactures. One single fact, and the consequences palpably deducible from it, furnish a conclusive answer to this argument; it is this, that our agricultural products, particularly the three great staples of the country, cotton, flour, and tobacco, successfully sustain the competition in foreign markets. Now the only benefit which they could, by possibility, derive from protecting duties, would be in the home market; but to say that articles which, when exported, and when, therefore, they can derive no aid from this Government, can maintain themselves in foreign markets against the competition of like foreign articles, require that aid, in order to maintain themselves against the same articles, coming into competition with them in the home market, is, to advance a proposition in such palpable hostility with every principle of political economy, that it needs but be stated in order to be refuted. It cannot be necessary to undertake, by serious argument, to prove that, if either the price at which we can afford to sell, or the quality, give us the preference abroad, that preference cannot be lost at home, when, in addition to these advantages, we have the farther advantage of being exempt from the cost of exportation, and the foreign articles are encumbered with the disadvantage of being subject to the cost of importation.

Sir, I will not trouble the Committee longer. I have attempted to prove that the proposed system is incompatible with sound policy, because it will diminish the wealth of the nation: that it is incompatible with justice, because it will promote the interest of one class, at the expense of another class of the community. If I have succeeded in this, it follows that the bill ought not to pass, and such, I trust, will be its fate.

Mr. HOLMES, of Massachusetts, addressed the Chair as follows:

APRIL, 1820.

Revision of the Tariff.

H. OF R.

Mr. Chairman: To complain is the strongest propensity of the human mind, and evinces the greatest ingratitude. We look at history and view the bright side only of the past; with confident hope we contemplate the future; but we endure the present with anxiety and regret. This predisposition is encouraged by others, who would convince us that their aid is necessary to relieve us from our embarrassments. The doctor must magnify the danger of his patient, that he may acquire the reputation and profit of the cure. This, and a confidence in ourselves to improve upon the wisdom or detect the follies of others, have produced all the projects, schemes, and innovations, which have agitated, embarrassed, and distressed the world. Whence those rank speculations which have ended in distress and ruin? Whence the Mississippi and South Sea projects, Mr. Law's bubble, and the Earl of Oxford's folly, and the other wild and extravagant schemes which threatened at once to inundate Europe and to involve the people in one universal ruin? From an excess of legislation, which tempted and provoked the iniquitude of the people. Nine tenths of the evils which have been inflicted upon mankind, originated in governing too much.

Look at the people of the United States; cast your eye over ten millions of freemen, spread over an immense territory, possessing every facility of soil, water, and climate. Inquire into their necessities and inclinations, and ask, what is the relief which they most need? and they will tell you, to be let alone.

Sir, there is not a country in the world where the three great branches of industry, agriculture, manufactures, and commerce, can engage in so equal a competition as in the United States. This doctrine of letting the branches of industry alone, has, by the Speaker and others, been assailed and ridiculed. But it is sound, legitimate doctrine. An officious intermeddling in the affairs of individuals; an attempt to regulate their ordinary employments, or divert their habitual industry from its usual channel, is equally impolitic and unjust. Every man understands his own interest and will pursue it. Regulate, therefore, the different branches of industry as little as possible—I say as little as possible, because I agree that the maxim, "let the people alone," admits of the following exceptions; 1st. Aid a necessary branch of industry in its infancy according to your means. 2d. Support that which is essential to national safety. 3d. Countervail foreign restrictions where you can do it with a prospect of success. 4th. Impose burdens for the support of Government. The three first are discretionary; the last is indispensable.

But as the Legislature of a nation cannot create wealth, and as every aid to one branch equally subducts from the others, it becomes us to inquire into the relative conditions of the different employments in the United States, and see what are the necessities of our manufactories, and what relief we can afford to bestow.

The pretensions of this class of people is urged in the most piteous strains. To read their petitions and hear the arguments of their advocates,

we should presume that manufactures had been excluded from all favor, and cast off as an illegitimate. While you are fostering commerce and agriculture, say gentlemen, the poor depressed manufacturer is left to take care of himself. Is commerce, then, so very flourishing? Is agriculture the favorite child? No, sir. Agriculture gets no favors here. You have your Committee of Commerce and your Committee of Manufactures, who ably and indefatigably support those respective interests. But where is your committee of agriculture? Merchants and manufacturers were never over-modest in complaining or asking for favors, nor very delicate in urging their meritorious services upon the consideration of Government. But the farmers, scattered and separated from each other, doomed to a life of constant labor, have no time to complain. Nor are they remembered here, except when the Committee of Ways and Means seeks the avenue that leads to their pockets, and seizes upon the products of their industry, to pacify the importunities of manufacturers.

Sir, the manufacturers of the United States are more favored and better protected than those of any other country. This will be deemed a bold assertion. But I invite gentlemen to examine for themselves. Let them look at the British protecting duties, and deduct from these encouragements the poor rates, the excise, and other burdens, the British manufacturer has to endure, and then answer the question, has not the American manufacturer, on the whole, the advantage?

The Speaker has given us a melancholy description of a cotton factory which he saw unoccupied and with the windows broken out. Indeed! And I, too, have passed by several dwelling-houses of very industrious farmers that never had any windows in them; and the reason was, that the Boston and Pittsburg factories had been so well protected that these farmers could not afford to purchase the glass.

The truth is, the whole country is distressed. The manufacturers, from the encouragement given by the war, and your protection had been extravagant and prodigal. Rash, unskilful, and imprudent men, with nominal capital, had commenced on a large scale, and had failed, as a matter of course. Many such instances can, no doubt, be cited; and these are the cases of distress which have been so feelingly described. But when were the facilities to manufacturers greater than at present? One gentleman from New York (Mr. STORRS) has told you that your produce is rotting on your hands that your commerce is at an end, and you can sell nothing abroad. Another gentleman from the same State (Mr. GROSS) has given you to understand that manufactures will flourish when you cannot sell your surplus produce to advantage abroad. If these premises are true, the conclusion seems to be irresistible, that the present is a most favorable time for your manufactures.

In perfect accordance with these sentiments, the Speaker has contended, that want of capital was the root of the evil, and has given us an instance

where great capitalists can succeed now with profit and advantage. In the course of his observations he admitted that there was a redundancy of capital in the United States, inactive and lifeless, and that the capitalists of Philadelphia had offered the Government a loan of twenty millions at five per cent; and yet the manufacturers cannot succeed for want of capital! Sir, I don't know how these contradictions are to be reconciled. Adequate capital and a prudent management will, no doubt, insure success. Money can be had on most favorable terms, and to any amount. It is, moreover, a fact, that the manufacturers have now protections and facilities that are not realized in any other country: yet they are not satisfied. The merchant whose ships are rotting at his wharves, and the farmer whose produce is perishing for want of a market, must incur new burdens to satisfy the cupidity of these manufacturers. And, as though nothing had been done, they ask for a little relief. A little relief! Then you have done nothing yet. Is your last tariff nothing? Is the modification made two years ago, to their full satisfaction, nothing? Pass this, and in two years more this will be nothing.

The object of a protecting duty is to exclude foreign fabrics, and to give a monopoly to your own manufacturers, or give them the advantage in the market, by raising the price and diminishing the quantity of the foreign article.

An entire exclusion is a tax on the consumer, and leaves him to the mercy of the manufacturer. A partial exclusion, or a rise in the price, has the same operation in a different degree. It is idle, indeed, to pretend that a competition at home will supply the want of foreign competition, and soon produce a depression of price. That can never take place until your market is amply supplied by your own artists—an event not speedily to be expected. In the meantime commerce is to be shackled, and the farmer to be subject to a monopoly which he can neither resist nor counteract. He has a surplus for which there is no brisk demand. He is consequently subjected to a home competition, which puts his own produce in the power of the manufacturer. By these high protecting duties, therefore, you enable the manufacturer to buy and sell upon his own terms. To buy, because the farmer has competitors; to sell, because the manufacturer has none.

I am aware that it has been contended, that the farmer and planter who produces the raw material, will, by this protection, find a better market at home; and the Speaker has told us that this will be the case, particularly in regard to cotton. But the cotton planters will scarcely swallow this bait. That the increase of your cotton factories gives an additional demand for the raw material in the home market is readily admitted. But, what is to be the effect of a tax on foreign fabrics, the raw material of which you furnish? Your cotton fabrics from abroad come charged with an additional duty; if the increase of the price is equal to that of the duty, it allows of a corresponding increase of the home fabric, and this will constitute a tax, which will fall on the consumer.

Should this be the case, the raw cotton will experience no diminution, but probably a small augmentation, of price. This, however, cannot be. By bringing the home and foreign fabrics together into the market, the price will not be increased equal to the impost, and the foreign manufacturer will find his profits diminish to nearly the amount of the increase of the impost. He must, therefore, if he can, remunerate himself for this loss by a depression of the raw material; as his capital and the nature of his fabrics will enable him to keep them for a good market, and the planter will be driven to the necessity of a speedy sale, a depression of the price of raw cotton will be experienced, which the home demand will not, for years, compensate. The result will probably be, that the price of the foreign fabric will be augmented, and that of the raw cotton diminished, and that the impost will be divided between the cotton planter and the American consumer of the manufactured cotton.

But, exclude entirely or partially the foreign fabric, by excessive duties, and you inevitably encourage smuggling. Make your laws as you will, they will be violated in proportion to the temptation. The severity of punishment diminishes the probability of conviction, and men will be left to calculate between probabilities of detection and gain. Although it would be paying a poor compliment to the morality of the people to extend this observation to crimes of a malignant cast, yet, as it regards evading revenue laws, experience proves that the remark is just. It is not from a relaxation of morals in merchants that this is the case. Merchants are like other men, and subject to like temptations. The gentleman from Pennsylvania (Mr. BALDWIN) and the Speaker might have dispensed with their sarcasms on this class of men. Was it liberal to throw the odium of the proceedings of Castine, the Essex Junto, and Hartford Convention, upon the whole body of the merchants? Sir, it is with mortification that I am compelled to admit some disgraceful transactions in my section of the country; but I trust that such transactions are by no means limited by geographical lines. And it is scarcely prudent for members of the same family to engage in speaking of each other dishonorable truths. It may afford amusement to their neighbors, who would hear the mutual charges with a malignant satisfaction, but it will depreciate the reputation, and impair the harmony of the family. I might possibly indulge in a few retorts to put gentlemen on their guard. No portion of the country is without its faults. Even Pennsylvania, the land of Penn, of Franklin, and the chairman of the Manufacturing Committee. Pennsylvania, proverbial for her simplicity and unvarnished morality, has some stains upon her mantle. If I do not very much miscollect, something of an insurgent spirit was once exhibited, not far from the district represented by the chairman. Whether whiskey, or the want of it, was the cause, I don't remember, but it has usually been termed the Whiskey Insurrection. Another case, much later, of a spirit of oppugnation, was witnessed in the same State. I don't

APRIL, 1820.

Revision of the Tariff.

H. of R.

remember the particulars, but it related to a United States judgment, and a certain General Bright had something to do with it. It, however, was not considered as a very *bright* affair. And even the Speaker, had he looked at home, might have found instances of a like character, without casting a sneer at the northeast. I trust he has not forgotten the *Washita* expedition, and the interest that certain Kentuckians were suspected to take in its prosecution. Our memories have been refreshed on the subject at this very session. I will not proceed further. These are family faults, which should not be mentioned abroad. They are only hinted at here to remind gentlemen of the old proverb—"Let those who live in glass houses take care how they cast stones at their neighbors' windows."

But I as little agree with my colleague (Mr. WHITMAN) in his eulogy, as with the other gentlemen in their censure of the merchants. I was not a little surprised to hear his ascription of the payment of three or four hundred millions to the merchants.

There is no principle better settled or understood than that, with few exceptions, the impost falls on the consumer. The merchants pay it sometimes in advance; but, generally, after collection from their customers; they have no more merit for the payment than the collector who transmits it to the Treasury. The former, like the latter, becomes responsible for the tax, and it is much to their credit that they have responded with great punctuality, and that the Government has hitherto lost but forty-five cents in the hundred dollars by their failures. I wish I could say, that, after the money reaches the Treasury, it is converted to its proper purposes with no greater dilapidations. Merchants, as well as others, will evade the laws, when prompted by strong temptations. Such is man. "Lead us not into temptation," is an invocation prescribed by one who well knew the frailty and depravity of the human heart. It is even doubtful whether our best and firmest men would wish a trial of their virtue against some temptations. There are assailable points in every human fortress.

The depravity and misery which follow a habit of smuggling, are better perceived than described. If the Congress of the United States have no power, but by individual example, to inculcate virtue, they should at least take care how they indulge in legislation which shall encourage vice. Enact laws which public sentiment shall resist, or cupidity evade; let such evasion become familiar, and detection and punishment rare; let habit confirm what interest and inclination suggested, and it becomes at once an example and a signal to despise all legal restraints, and hold in contempt the authority from whence they emanated.

But this is not all; smuggling, to a degree affecting the market, destroys all benefit intended for the manufacturer, and throws the impost off the consumer upon the merchant. The smuggler can undersell him, and deprive him of the power to enhance his goods to the amount of the impost. The foreign goods being low in the market, the manufacturer has failed of his object.

When the protecting duty is successfully laid, it falls on the consumer. It ought, therefore, to be made to bear as equally as possible; to touch lightly on the necessaries of life; and by no means to impair the national defence. What, then, is the character of your increase upon coffee, iron, sugars, molasses, and salt? These, sir, are become necessities of life, and for the last year the revenue from them amounted to four millions. You propose to increase them on sugar, coffee, and sheet-iron, one-fifth; salt, one-fourth; rolled iron, one-third; bar and bolt, two-thirds; and molasses and castings, double. Is this equal? Iron is a necessary of life, and in a degree a raw material. A tax on this is borne by every farmer in the Atlantic States. Not a nail driven into the shoe of his horse, but is encumbered with the impost. It is also a tax on manufacturers of hardware generally. Why is it necessary? The expense of manufacturing a ton of bar iron, including a fair manufacturing profit, and excluding the stock of which it is made, is not fifty dollars. Add the stock, and you would not bring it above ninety. Yet these manufacturers ask a duty of twenty-five, equal to one-half the making and profits, and to more than one-fourth of the value. When the tariff was modified, two years ago, the manufacturers were satisfied with fifteen dollars, and they now ask an addition of two-thirds of that. When will they be satisfied? They will never cease to ask so long as you will continue to grant.

Sugar and molasses are manufactured in but small quantities in the United States, in proportion to the consumption; the land is cheap, and the planters need not the existing duties to insure them profits, and even fortunes. The people of the East have a large trade with the West Indies. Our provisions and lumber are exchanged there, principally for these articles. The molasses is distilled into rum; and this business, hitherto carried on to considerable extent, can scarcely survive the existing duty. This must be abandoned—and you destroy the West India trade, and drive us round the Florida Capes and up the Mississippi, a voyage equal to one across the Atlantic, to purchase these articles, without the means of paying for them. And for what purpose? To diminish the quantity of spirits distilled from molasses, and thereby give a bounty on the whiskey of the West.

But the most outrageous tax is that on salt—a necessary of life, which the poor man must use, even more than the rich. The existing impost is forty per cent. upon the value, and this must be increased one-fifth more.

But this is not all. Your fisheries are important to the prosperity and safety of the nation. Why does Great Britain give such an enormous tonnage bounty on her fishing vessels? It is the nursery of her seamen, whence her navy is supplied. Such has been the effect of this bounty in years of scarcity, that it has cost the nation one hundred pounds sterling for every barrel of fish. The bounty which you have given, is only intended as a drawback of the duty on salt. It has not, hitherto, proved an equivalent, and the balance is usually against the fishermen. This addition falls upon them without

H. OF R.

Revision of the Tariff.

APRIL, 1820.

an equivalent; and this tax falls almost exclusively on the Atlantic States, and two-thirds at least on New England. New York derives a revenue from her salt works, and they are rented upon a condition that the manufacturers shall sell at a stipulated price. The West will never feel this tax. The Speaker may tell me, if he pleases, of foreign salt at Louisville. Very well. Coals also have been sent to Newcastle, and British manufactures exported from the United States to England, and sold at a profit. But these are extraordinary cases, and prove nothing. I ask the Speaker, or any gentleman from the West, whether it is not a settled and universal opinion there, that they shall make their own salt? These four millions, paid upon these necessary articles of consumption, fall almost entirely on the Atlantic States, and yet they must be increased. Sir, let gentlemen smile at our molasses and codfish, but let them not smile at our expense. There is an inequality and injustice in this, that is intolerable. Molasses doubled, and playing cards increased one-sixth only! Sir, I do not know but these are a necessary of life. They are probably an article of considerable consumption in the West, for whose benefit the tariff seems well calculated. Tax the bar iron: they will make enough of their own; tax molasses, and, consequently, the spirits distilled from it: they prefer whiskey; tax the salt, and, of course, the codfish: they prefer catfish. Thus, you perceive, the gentlemen beyond the mountains are very willing to impose burdens, from which they and their constituents are wholly exempt.

But this is defended as a countervailing system. What has hitherto been the success of your coercion on other nations? Your bill regulating the West India trade—what has been its effect? I do not rejoice, nay, I regret, that my predictions of its success have all been verified. I would not have begun—but I would now go on. It would be mortifying, indeed, to retract a system of coercion which, but two years since, was adopted with so much deliberation and unanimity. When the Speaker cites this case as an instance of the propriety of regulations, and of the inconsistency of gentlemen who oppose the tariff, he neither has me, nor proves his case. I opposed the measure, and the hopes of its advocates have been hitherto disappointed.

But what part of your tariff is to operate as a countervailing system? Ten per cent. on articles imported in foreign vessels is a distinct affair, and has no connexion with the principles of your tariff. It resembles a tonnage duty, which the Speaker considers so favorable to commerce. It is the first time, I confess, I ever heard that a discriminating tonnage duty facilitated commerce. This is a tax on carrying, which inevitably diminishes the value of the article carried. It helps the carrier, unless it is met by other nations with a similar discrimination; in which case, the carrier loses one way what he gains the other. The whole export and import trade is burdened, and the tax falls on the manufacturer, grower, consumer, or merchant, either or all, according to the circumstances of the markets. It may be in favor of the shipping in-

terest, but every facility of transportation must be beneficial to commerce, which consists wholly in a system of exchange.

But how is this to affect your revenue? Upon the articles of first necessity, to which I have referred, there will probably be an increase, after deducting for the diminution of the consumption. This \$4,000,000 might probably be increased to \$4,650,000. Upon teas, spirits, wines, and duck, which produced \$5,000,000 last year, there is no material addition. Your first class, which you propose to raise from $7\frac{1}{2}$ to $12\frac{1}{2}$ per cent., and which yielded \$179,076 97, consisting of jewelry and other articles of large value, in proportion to their bulk, will be easily smuggled, and will furnish no addition.

The same remarks will apply to your second class, including silks and other valuable articles, which you propose to raise from 15 to 20 per cent., which afforded \$2,916,828 75; and the third class, including hardware, which produced \$1,916,906 20, and which you propose to raise from 20 to 25 per cent. The quantity regularly imported will be much diminished by a diminution of consumption and illicit importations, and, instead of a material increase of revenue on these, I should not be disappointed if there should be a falling off. Certain specified articles, such as ale, raisins, and red and white lead, had increased one-third, and cocoa one-half, and all of which last year yielded \$226,129 77, might afford you an increase of \$50,000. The other specified articles yield but a trifle, and at best would produce a petty sum. Doubling the duty on raw cotton will operate, as was probably intended, as a total prohibition, which diminishes your revenue \$126,562 26. The fourth class, including woollens, cottons, and linens, and which you propose to increase from 25 to 33 per cent. with the regulations in regard to the minimum price, will create a serious depression. The articles included in this class yielded you, the last year, \$6,201,049. The immense duty on all, especially the coarse cottons and linens, by fixing the minimum price so high, will, I am pretty sure, diminish your revenue to the tune of more than two millions annually. Your tariff, then, as it is, takes annually from your Treasury two millions. A considerable diminution seems to be expected by the chairman of the Manufacturing Committee and the Speaker; and we are told that the impost must be abandoned as a *rotten* system! A system that has carried the nation through prosperity and adversity, through peace and war, and under which, for thirty years, our population and wealth have increased beyond example, must be abandoned as rotten, and we are to be set afloat on the sea of experiment and speculation.

But, sir, who have made the impost insufficient? Why does it fail this year to satisfy the public exigencies? Because it is regulated more with a view to the protection of manufactures than to the protection of revenue. With reasonable and effectual protection to manufactures, the revenue would even now be ample. But you embarrass commerce, and discourage agriculture, to pacify the manufacturers; you mutilate and break down the

APRIL, 1820.

Revision of the Tariff.

H. OF R.

system, and then condemn it as rotten. You tantalize and upbraid it for wounds which you yourselves have inflicted. You put the poisonous cup to its lips; you compel the draught; its deleterious influence paralyzes and prostrates its constitution, and then, with a malignant sneer, you detest the object for imperfections and impurities which you have communicated.

But upon what hypothesis is your impost to depreciate? Have gentlemen fallen into the opinion, so fondly entertained, that Europe is settled down in perpetual peace? And what is the foundation of this opinion? Whatever may be our wishes, however strong our hopes, surely experience is opposed to the prospect of lasting tranquillity. If war is not the natural state of men, most certainly it is the usual condition of the nations of Europe. Look back upon them two centuries, and, during the whole period you will not find forty years of general peace. Their relative positions and political condition are sources of almost perpetual wars. The balance of power, which they are always fighting for and never obtain, was never in greater jeopardy than at present. Uneasy, restless, feverish symptoms are making their appearance. The legitimates are trembling, and the people beginning to think of their rights. Europe appears on the eve of a convulsion, terrible, I fear, in its operations, but happy, I trust, in its result. If it were our duty to wish that the present condition of Europe should be permanent, and that the calm of despotism should be endured rather than the evils of a revolution, still we ask, what is the prospect? Look at Spain, look at the events in France, and the symptoms in Germany, and then calculate on probabilities. The scenes we are to witness, however distressing, will give an activity to the commerce of the United States, and, like those which are past, increase our strength, and improve our prosperity. Those who calculate therefore on commerce and revenue from a long and general peace, are contradicted by evidence and experience. Pursue, then, your old system; look at the future through the medium of the past; be guided by the compass of experience, and you are safe.

But, should we embark in this new speculation, venture upon this untried experiment, and, calculating that each nation, in perfect peace, is to repose upon its own resources, adopt this Chinese policy, what are to be your ulterior measures? Create a motive, force a necessity, and sailors, and merchants, and farmers, must become manufacturers, or quit their country. Pass this bill, and it is the winding-sheet of your navy. The flag of your country, the star-spangled banner, which has so often waved in triumph over your enemies, and secured to your nation such lasting renown, must be furled, stowed away in some garret, with worms and cobwebs, and your glory is to be consigned to forgetfulness.

I ask again, what are your ulterior measures? Abandon your rotten system, and what is your substitute? Follow up your measures, and, while providing to drain the Treasury, give us, at the same time, your means to replenish it.

Will you tax the manufacturers to aid manufactures? They will scarcely thank you for the aid. To take from a man as much as you bestow, confers on him no favor. If the manufacturers cannot exist without protection, they surely cannot endure a tax equivalent to the protection required. But postpone this tax, say they, until we have commenced, and are in the full tide of successful experiment, and we shall then be able, and as soon as we are able, we shall be willing to requite the favor. Wait, borrow some twenty millions to replace the bounties which you pay to manufacturers; do this in a time, too, when they have great facilities in the cheapness of labor, provisions, and stock; and, when the price of these articles shall double, as they probably will, what then will be their language about taxes? Not only forbear your tax, but give us more aid. We expect that that which you have furnished will be augmented to keep pace with the augmentation in the price of our articles of consumption.

The result is, that the deficiency must be supplied by a direct tax. It is inevitable. Whoever votes for this bill creates a necessity for a land tax. I solemnly declare that I never will agree to tax the land to support manufactures. We have heard much of the equivalent given us in the Constitution for slave representation. Our zealous advocates of restriction from the North insisted that the framers of the Constitution expected that we were to be compensated in direct taxes for slave representation, apportioned on the same principle. I did not then expect the equivalent was to come so soon. For myself, and the people I represent, I do not feel much gratitude for the favor. No, sir, I repeat it, so long as I have the power I will continue to protest against a land tax to support manufactures.

But, sir, are you sure the forcing system will not prove injurious to the manufacturers themselves? You attempt too much; expectation fails, and a reaction is produced. Begin when they least need it, and withhold your hand when the necessity presses, and the expectations which you have raised will end in disappointment and ruin.

For twenty years past your manufacturing industry has flourished and improved more than the other branches. I might again recur to the depression of commerce and agriculture, and urge, in detail, their wants and distresses; but the pressure is known and felt. The burdens on these are already intolerable. Manufacturing establishments are making a progress sufficiently rapid. Within twenty years at least one hundred manufacturing companies have been incorporated within the single State of Massachusetts; many of these with large capitals; and those which have been managed prudently have succeeded. I hope never to witness the period when our manufacturers shall hold the pre-eminence. Let the industry of the people follow its own channel, and all will be well. To transfer the people from one employment to another is an unnatural process; its success in this country very doubtful, and its result will be unfortunate, if not ruinous. Would you perpetuate your liberties, then encourage and in-

H. of R.

Revision of the Tariff.

APRIL, 1820.

culcate that education and industry which will accomplish the object. What is the effect of large manufacturing establishments? Ignorance, faction, and depravity. The Speaker has given us an account of the discipline and education in a cotton factory highly interesting and fascinating. From his eulogy, I should expect that he would be willing to send a daughter there for a polite education. If cases contrary to this do occur, he infers that it is an abuse of the system. Sir, these suggestions are creatures of a vivid imagination. Had I that gentleman's magic tongue, I would give you a picture of the morality of great manufacturing establishments. "To rear the tender thought, to teach the young idea how to shoot," to instil into the minds of our youth the principles of freedom and the precepts of virtue and religion, in a cotton factory, a furnace, or a glass works! In that religion which is inculcated by inspiring terror you might succeed, for your pupil would always have a picture of the infernal regions before him.

This is to be the future policy of the West—the West, which presents unlimited demands for agricultural industry, must be converted into a vast workshop! Immense tracts of uncultivated land call for the labor of the farmer. Florida is to be ours, if we can get it; and Texas, we are told, is ours already. The last is described by the Speaker as so delightful, that, in comparison, Milton's description of Paradise is faint, weak, and insipid. Yet this Elysium, with all its beatitude, must be abandoned for manufacturing establishments. The children of the West, with bodies sprightly, vigorous, and elegant, and minds free and elastic as the air they breathe, are to be caged and cooped up in a dismal dungeon. Our sons and daughters, who are to become the fathers and mothers of a free and sovereign people, are to be instructed in the principles of liberty, in this pure and perfect school. You take the child, swathe and bandage the mind to direct all its energies to the important object of a pin's point or a needle's eye; you bend and distort the body, and crush down its energies; you subject it to the discipline and mechanical direction of a mercenary master; and this is to be the defender of your country and its liberties, and the parent of a race of freemen. Look at the manufacturing establishments of Europe; see the poor wretches there, doomed to perpetual imprisonment, inhaling a foetid atmosphere, with a body pale, haggard, and ghastly, containing a mind equally crippled and depraved. Witness the distress and misery which this system entails, and the faction and treasuries it engenders, and say, is it very consistent with our free Government to copy it?

That man is inclined to evil as the sparks are to ascend, that his heart is deceitful above all things, and desperately wicked, is apparent, without the authority of revelation. Every day's experience proves the melancholy truth. Some favorite passion, some love of power, of wealth, of splendor, of fame, or some other love, operate as delusions, and act as syrens to lure us upon the Scylla or Charybdis, while we are navigating the

dangerous channel of human life. Shall we direct the people into the paths of vice? Let man be poor, ignorant, and enslaved, he has yet one consolation while he is innocent. Let the storms of adversity assail him, to an approving conscience he can retire, as a shield from the storm, and a covert from the tempest. An awful responsibility, therefore, rests upon a Legislature which directs a nation's industry to those pursuits which lead to vice.

Sir, follow nature, and your way is clear. But the design of the Creator seems to be strangely perverted. When he was proceeding in his work, and had pronounced it very good, he seemed to regret that something was wanting. Not that there were no manufacturing establishments to fetter and chain the mind; not that there were no merchants to exchange luxuries and diffuse poison; not that there was no warrior to enslave and murder his fellow-man; but that there "was not a man to till the ground." And he took him from the dust, that his origin might point to his employment, and put him in the garden to "dress it." But man soon revolted; and it is worthy of remark, that the first systematic rebellion against the laws of God was by a combination of manufacturers at Babel, and that he punished their folly by confounding their language. This scrap of history teaches much. From that period to the date of your tariff, as soon as they have acquired the power, the ability to combine, the manufacturers have been building towers to overlook all other branches of industry, and overawe every government that did not subscribe to their demands. The manufacturers of the United States are young, and yet innocent, and it is important to keep them so. Give them the same power and the same temptations, and they will probably pursue the same course. The evil may be easier prevented than corrected; keep the three great branches of national industry balanced, each will be a check on the other, and all will be safe and prosperous.

But there is a branch of manufacturing industry strictly domestic, which your large establishments are calculated to injure and subvert. I mean that which is carried on in every farmer's family. Most of the families of our farmers make their own clothes and cloth furniture. This is seldom done in the vicinities of large factories. The enticements are so strong to congregate there, that the family is deserted, and domestic industry abandoned. The Speaker's rosy buxom country girl, whom he so feelingly described, going to market with her roll of linen under her arm, (although he seemed to think more of the girl than her linen,) is transferred from her father's house to the factory, in which school she would probably soon learn to dispose both of her bloom and her virtue. Although I am friendly to a due encouragement of manufactures, I cannot hesitate to believe that these establishments have a sensible effect to impair the species of industry of which I have been speaking. I intended to have given other views of the subject, but time is precious, and difficulties thicken as we proceed. We seem to be traversing a vast and pestilential desert. No gentle breeze, refreshing shade, or cooling stream, to cheer, nor

APRIL, 1820.

Revision of the Tariff.

H. OF R.

sun, moon, or star, to guide us on our way. But all is dark, dreary, and dismal, as the valley of the shadow of death. I hope and trust we shall pause before we hazard an experiment so fraught with difficulties and dangers.

When Mr. H. had concluded, the Committee rose, and reported the bill to the House.

Mr. HARDIN moved to postpone the bill indefinitely, and the House adjourned.

FRIDAY, April 28.

Mr. NEWTON, from the Committee of Commerce, to which was referred the bill from the Senate, entitled "An act granting certain privileges to the Ocean Steamship Company of New York," reported the same without amendment, and it was ordered to be read a third time to-morrow.

A message from the Senate informed the House that the Senate have passed bills of this House of the following titles, to wit: "An act for the benefit of Christopher Miller;" and "An act concerning the banks of the District of Columbia, and for other purposes;" with an amendment to each,—in which they ask the concurrence of this House.

Mr. ARCHER, of Maryland, submitted the following amendment to the rules of the House, which lies on the table one day of course:

"Every discussion on any bill, motion, or resolution, shall terminate in five days after it shall have commenced.

"No member shall speak upon any question longer than an hour at one time."

Mr. BUTLER, of New Hampshire, submitted the following resolution for consideration:

Resolved, That the Committee of Manufactures be instructed to prepare and report a bill laying a duty of — cents on all spirituous liquors distilled from grain and other domestic materials.

The question being taken whether the House would now consider the resolution, it was decided in the negative—ayes 58, noes 66.

The engrossed bill for the relief of Græme Keith Spence, late a purser in the Navy, (allowing him certain discount, paid by him during the late war, in passing off Treasury notes received from Government,) was read the third time; and, after some debate on the merits of the bill, in which Mr. McCoy opposed and Mr. LIVERMORE advocated its passage, the bill was passed—ayes 67, noes 55—and sent to the Senate for concurrence.

REVISION OF THE TARIFF.

The House then took up the bill to regulate the duties on imports, and the amendments reported thereto by the Committee of the whole House.

Mr. HARDIN's motion to postpone the bill indefinitely being under consideration—

Mr. H. rose and delivered, in a speech of nearly two hours in length, his sentiments in opposition to the bill.

Mr. McLANE, of Delaware, addressed the Chair as follows:

Mr. Speaker: I am too sensible of the value of time, at this protracted period of the session, to task the patience of the House longer than may

be absolutely necessary to submit the views I entertain of this subject. When efforts so zealous, urged as they are both by the force of individual character and best talents of the House, are made to defeat the principal object of this bill, I owe it to that quarter of the country which I represent, and which is deeply interested in the result of this question, to contribute my aid in behalf of a measure which I believe is calculated to mitigate the national distress, and promote the national prosperity.

Besides the general principles which are involved in this subject, there are other considerations, to which I will beg leave first to refer, why this motion should not prevail.

I am free to say that I do not entirely approve of the bill in its present form. It embraces too many subjects, and presents a combination of objects which, I fear, will counteract, in the extent of its range, some of the benefits designed to be afforded to that portion of the national labor which most imperiously requires to be cherished. But, though it may be in some measure true, that the bill proposes more than the state of the country absolutely requires, the present motion does not propose enough. If the bill is too large, and calls upon us to do too much, it is no reason why we should do nothing. It is our duty to modify it, and adapt it to the wants and condition of the country.

And, though it be true, as has been urged, that we are now near the close of a protracted session, we should remember that it has been characterized by few of those measures to which the anxious eyes of the nation have been constantly directed, and that the subject now before us is one neither of the first impression, nor hastily got up. It has been before the people and the councils of the country for many years, and forced upon the reflection of the least considerate, by the pressure of the private and public distress which this bill proposes to relieve. The subject underwent a full investigation when the existing tariff was established; and the great error at that time was, that there was not afforded a degree of protection commensurate with the evils. The inadequacy of the existing tariff has been fully tested by past experience, and throughout the present session our powers have been invoked to supply its defects. We have already expended a week in investigating the details of this bill, which will be worse than loss of time if we separate without coming to a decision. If the protecting arm of the Government is to be extended to the national labor, the policy should be announced without delay; otherwise it may prove ineffectual for the object. Considerable capital is already embarked in manufacturing establishments, and if it be our interest to preserve it there, and to cherish its employment, it is indispensably necessary that we should inspire the capitalists with confidence in our policy, to prevent them from withdrawing it, or to save it from actual loss. If we fail to do so now, the remedy may be administered when the disease has sunk below its efficacy. A determination to foster this particular employment of the national capital,

H. OF R.

Revision of the Tariff.

APRIL, 1820.

may prove effectual now, even with an inadequate tariff, when, without such a determination, it may be impossible hereafter to repair the ruins which might have been prevented by seasonable aid.

I am willing to unite with gentlemen in paring down this bill to reasonable limits, provided it shall be allowed to give abundant encouragement to the principal articles of public necessity, and afford ample relief to the exigencies of the national labor; but I will take it as it is, rather than get nothing. It is our duty to relieve the distress which pervades the country, and there is much greater danger, in my opinion, that we shall do less, than more, than is necessary.

I beg leave, also, to divest this subject of the particular character with which it has been ingeniously attempted to stamp it. To associate it with sectional interests and particular classes, is treating it unfairly, and resembles much more the indulgence of narrow prejudices than the pursuit of a liberal policy for national purposes. It is calculated more to increase a common evil than to promote a general good, or to conduct us to an enlightened decision. The object is purely national, embracing the best interests of all parts of the community. It is to promote a common end, for a common benefit; to cherish the national labor and capital wherever they may be found, and to conduct them to profitable and nationable results. If the encouragement of that portion of our labor which can be employed in the manufactures of the country, will not do this, it ought not to be afforded. I claim for them no particular aid beyond what may contribute to the good of the whole mass of our national industry.

But the tariff has been assailed also with great confidence, and particularly by the honorable gentleman from Virginia, who spoke a few days ago, with so much ability, (Mr. BARROUR,) because of its revenue character. It is said it increases the rate of duty on foreign merchandise generally, including articles of necessity, because of the high prohibitory duties upon those which are designed to be more particularly encouraged, and that it will finally lead to a system of internal taxation or excise. I confess I have not much reliance upon this bill for purposes of revenue. I do not advocate it upon this ground. I value it only for the protection it would afford to the labor of the country; and I repeat my wish that it had been confined to this object, leaving the subject of revenue to its appropriate jurisdiction. I am willing to look to a system of impost as the chief source of revenue, while it is adequate to the purpose; but gentlemen must know that this cannot be the case for any great length of time. However anxious we may be to avert it, the day will soon come when this nation will be compelled to rely upon its internal resources for its fiscal exigencies, and it, therefore, becomes our duty, by a prudent foresight, to strengthen those internal resources, that we may be prepared for it when it shall come. How can we expect to rely upon a system, whose means are diminishing in the same proportion that our demands upon it are augmenting? The first fruits of the impost system were poured into our Treas-

ury by a commerce the most extensive and prosperous, and our wants were those of a young nation, with a thin population, and cheap and limited institutions. But the growth of the nation has been rapid beyond example; our territory has been much more than doubled, and our institutions have become extended in proportion to the limits of our territory and population. We have raised armies, erected fortifications, and planted works of defence around our whole frontier. We have built and equipped fleets which are indispensable guards of the rights, and indissolubly associated with the pride and glory of the nation. In short, we have taken a high rank among the nations of the earth, and our expenses are necessarily more than quadrupled, and, in the nature of things, must continue to increase. But, in all this time, while our national progress has been upon this gigantic scale, our foreign commerce has borne no proportionable augmentation; on the contrary, it has been rather wasting away, until that which could formerly overflow your Treasury, cannot be sworn to half its demands. The tariff, however, so far from abandoning the imposts, proposes to extract from it larger means; but it does not do this altogether on account of the encouragement afforded to manufactures, but in pursuance of the express recommendation of the Secretary of the Treasury, who, with the enlightened independence which so highly distinguishes his public conduct, has candidly exposed the extent of our wants, and the inadequacy of the supply. I request permission to refer to his report at the present session, as conclusive upon this subject. The Secretary of the Treasury, after particularly exhibiting the ordinary estimates of such a report, observes: "Under all the circumstances, it is respectfully 'submitted that the public interest requires that 'the revenue be augmented, or that the expenditure be diminished. Should an increase of revenue be deemed expedient, a portion of the deficit 'may be supplied by an addition of the duties now 'imposed upon various articles of foreign merchandise, and by a reasonable duty upon sales 'at auction; but it is not probable that any modification of the existing tariff can supersede the 'necessity of resorting to internal taxation, if the 'expenditure is not diminished." The report then proceeds to recommend the present as a favorable moment to afford efficient protection to our cotton, woollen, and iron interests, if it can be done consistently with the general interests of the nation. Our session is now about to close, and we have not diminished our expenditure, nor do I believe it would be practicable or advisable to do so. I would be unwilling to reduce the Army or the Navy, and I know of no object of retrenchment which would not weaken our strength at home, and our respectability abroad. A resort to other means of supply is, therefore, unavoidable. If we should be obliged to draw that supply from our home labor, it might be drawn safely and efficiently, if we now, by a wise policy, render that labor flourishing, and save it from the deadly influence of foreign competition. The tariff does not create the necessity of this resort, but is auxiliary

APRIL 1820.

Revision of the Tariff.

H. OF R.

to the supply: it draws as much as possible from the impost, that it may be compelled to extract less from internal means, and, at the same time, it wisely augments the internal means, by invigorating the arm of our own industry, and keeping at home that large amount of national wealth which is now perpetually going out of the country, to enrich the foreign, and impoverish our own labor. Who does not see that any measure which tends to augment the stock of the national wealth, must, at the same time, increase the individual resources, and swell the national supply?

The honorable gentleman from Virginia (Mr. BARBOUR) has particularly deprecated a system of internal taxation or excise, and principally because of the expensiveness of its collection. I have no such hostility. I believe the people have less to apprehend from a system of direct, than one of indirect taxation. In the former they see and feel the weight of their burden; in the latter it may be multiplied to an alarming degree, before its enormity can be detected. A moderate system of internal taxes is the safest and most certain source of supply, and in its nature will always be less oppressive than any other. Nor is it by any means clear that it is more expensive than the impost. The revenue, in both cases, is paid by the consumer, who also pays the expenses of the system. In the case of the impost, he pays the merchant's profits in addition to the duty; and are not these equivalent to the expenses of a system of internal taxes? But, sir, unfortunately for the consumer, under the impost system, he pays nearly a moiety of his price for the benefit of the foreign laborer, and thus subtracts from the fund of public wealth, that which should be kept in circulation at home. I cannot entertain a doubt that it would be the interest of this nation to foster its manufacturing labor and capital, even at the risk of a temporary diminution in its revenue. The labor which would thus receive encouragement would soon attain the capacity to bear an equivalent proportion of the national burdens, and, by increasing all the streams of supply, ultimately enrich the public treasury. If it be necessary now for the Government to stretch forth its arm to shield this infant branch of the national labor from foreign rivalry, the day is not distant when, in its turn, it will give vigor and strength to the national sinews.

Having said thus much, Mr. Speaker, in regard to the objections against the tariff as a whole, I will proceed now to consider the general principles upon which, I think, its great objects may be maintained and recommended to our adoption.

I was fully aware of the principles of the writers upon political economy, which have been so earnestly and ably relied upon by the opponents of the tariff; and though I am by no means disposed to involve in a common censure these principles and their authors, they appear to me to be unsafe guides in this discussion, where they are not sanctioned by experience, and tested by the practical operation of national policy. Much of the numerous treatises upon political economy consists in plausible theories, founded upon a state of things which, in fact, have no existence, and, with regard to the

most of these theories, the greatest difference of opinion prevails among the authors themselves. Among these numerous theorists each is the stout advocate of his own system, and the world has not yet finally decided between them. One contends that agricultural labor is the only profitable source of wealth, and that manufacturing capital is unproductive; this is denied by another, who advocates some other favorite branch of industry. A third is the advocate of commercial capital; another prefers the home trade; and the fifth contends for the superiority of a foreign commerce; so that scarcely any two of them agree, when they come to carry their respective systems throughout the details, and are yet litigating many of the principles which have been so confidently relied upon in this debate. Sir, it is the course of true wisdom in us to leave them to their employment, and adopt those principles only which we find in practical and successful use. With these as our data, we must adapt our measures to our own wants, and the actual condition of the world.

Now, sir, whatever contrariety of opinion may prevail, in regard to the mass of the theories upon this subject, there is a common foundation for them all; and that is, that the source of individual and national wealth is labor, and that the degree of the former will be in proportion to the activity of the latter. We may also disagree as to the particular mode of employment in which this labor will be most productive, but all will agree that it must be employed in some way. It must be made active; and, if necessary, must be stimulated to activity. The evils of an unemployed, inactive labor, are always in proportion to its capacity, and all the vices which follow in the train of an idle population will soon chastise a nation whose councils are inattentive to the employment of its labor. I am not the advocate of any particular branch of labor. I believe it is best, in general, that it should be diversified. I can have no idea of a nation purely agricultural, commercial, or manufacturing. Their interests are mutual, and the advantage of each is always promoted by encouraging, to a certain extent, the prosperity of the others. I am free to say, however, that, in the United States, the preference should be given to the agriculture of the country. This should be the basis of our strength, the great fountain of our resources, and in the nature of things it always must be so. There is, therefore, no design to change the agricultural character of the nation into a manufacturing one, as has been so seriously deprecated in this debate. Such fears are altogether imaginary. At least nine-tenths of the power and influence of this country are agricultural, and it is utterly impossible that a course of policy can be pursued, for any length of time, which shall, in any degree, subvert that interest. The agriculturist understands his interests, and will not be slow in resisting any serious encroachment upon them. In a popular government like ours, his resistance will always be prompt and effectual. Even in England, extended as are her manufactures, the agricultural interest is always predominant; and there is no instance, in all the

struggles with regard to the grain laws, and other measures in which these two great interests have been opposed, that the agriculturists have not prevailed.

It is clearly among the first duties of a nation to make the labor of its citizens active, and direct it to the most profitable results. Not by undue means to stimulate any particular branch of labor, to the ruin and injury of any other; but to stimulate the aggregate of its own against the aggregate of foreign labor, and to protect any particular branch of its own labor against the rivalry of foreign policy. If a nation expects to become wealthy and powerful, it must exert itself to supply its wants by its own labor, rather than depend upon foreign labor for articles of the first necessity.

The principle is not only sound in theory, but is that which is in practical operation in every nation which understands its own interest. They sell all, and buy nothing with which their own labor can supply them. Let us look to the example of England. She is agricultural, commercial, and manufacturing. The state of her agriculture is equal to that of any part of the globe; her manufacturing interests more extensive than in any other. Her policy uniformly has been to cherish her manufacturing labor, as auxiliary to her national wealth, and to resist all foreign competition. It is manifested in the earliest dawns of her history. She began with encouraging the manufacture of the coarse articles which constituted her prime wants, and afterwards followed up her policy with an unceasing assiduity, until she not only shielded her own labor from the competition of other nations, but in a great measure crippled their labor at home, and became the source of supply for all the world. Have we not seen the effects of this policy diffusing themselves throughout every branch of her industry, and over every part of her empire, until by this means there has been reared up a mass of wealth and power almost irresistible? It is true, we have been referred to England for an example of the evils of what has been termed the manufacturing system and her national debt; her insurrectional temper and mass of pauperism, have been ingeniously urged in the debate. But these are not the effects of her manufacturing system. They are the result of the expensive wars in which she has been perpetually involved, and the insupportable weight of taxation consequent upon them; of a policy which has kept her continually embroiled, by intermeddling in the disputes of others, when she had none of her own on hand; a policy to which she would long since have fallen a victim, but for those abundant streams of wealth which her active labor continually poured into her lap, and which she so lavishly drained in the cause of her unhallowed ambition. It does not follow that we are to imitate her in these respects, because, like her, we afford protection to our home labor; and I cannot believe that we shall be likely to beget treasonable insurrections by rewarding the occupation of the citizen with ease and cheerfulness. Insurrections are the fruits of an idle, discontented population; they may be produced by the neglect, but not by

the watchful protection of the Government. The same policy was early adopted, and has been ever since pursued, by France, Holland, Prussia, Italy, and many other Powers of Europe; and all who are at all conversant with their history know that similar effects proved the wisdom of affording national encouragement to national labor. The famous continental system of Bonaparte shows that he early discerned this real source of national wealth and power. When meditating the destruction of the British empire, he knew very well the source of her strength, and he wisely conceived the policy of drying it up. Had his ambition been tempered with some portion of patience, and he had consented to wait a few years for the gradual success of his policy, it would have been more omnipotent than his arms. His example, however, has not been lost upon the other nations of Europe; and though they did not yield to his schemes, Russia, and almost every other nation, excepting Spain and Portugal, have voluntarily adopted it. The principle of the Russian tariff is to receive nothing from abroad that she possesses skill and labor to make at home. Spain and Portugal are the victims of a different policy. They adopt the principles which are everywhere written and nowhere practised. Spain stands a solitary beacon to warn us of her fatal example, which buried the highest spirit and best capacity in the miseries of idleness and luxury, and drove her population to seek a remedy through the dangerous paths of revolt and insurrection.

If, sir, I may be permitted to refer, for a historical fact, to the book from Philadelphia, as it has been called, in which the zeal and ability of its author have imbodied a mass of the most useful and important information, the case of Portugal affords the most striking instance of the effects of both theories. Portugal did adopt the policy of encouraging her manufacturing, as auxiliary to her national labor, and those who are acquainted with her early history, will remember the success which crowned her exertions; but, in the midst of her system, she was persuaded to consent to the admission of British merchandise, as the price of vending her port wines in England. Her own labor immediately fell a victim to foreign competition, and her situation afterwards is the best lesson we can draw upon the subject. The efforts of England to prostrate the labor of other countries are not confined to Portugal—she carries them into every country, and she practises every expedient calculated to subserve her purpose. We know that her agents are scattered everywhere throughout the United States, and that they are unwearied in their exertions. In all their public speeches, the members of her Parliament betray their jealousy of our manufacturing prosperity; and, at the same moment that her hired writers and journalists* are employed to assail public sentiment here, by denouncing the evils and immoral tendency of manufacturing establishments, the Government heaps bounties upon them, and cher-

* See the works of Southey and others, especially the letters of Espriella, ascribed to Mr. S.

APRIL, 1820.

Revision of the Tariff.

H. OF R.

ishes their growth at home, while they are sending their fabrics into all countries as auxiliaries to their writers.

I do not refer to the practice of other nations, however, merely for proof of the soundness of the principle of affording national encouragement to national labor; but, as evincing the necessity of our adopting similar regulations to counteract their policy. If the principle, that "things should be left to regulate themselves," be true, it is so only when all nations observe it; it ceases to be practicable with the rest, when any one disregards it. If we were entirely insulated from the rest of the world, and carried on all our transactions within our own country, it might be urged upon us with considerable plausibility. But we are a part of the community of nations; throughout which our intercourse is to be conducted, and all our exchanges made, and we are, therefore, sensible to the regulations in every part of it. If the same rule were universal among all nations, we might calculate upon an equal participation in all common advantages, and that our enterprise would push its own reward. But, if the regulations of other nations interfere with the natural course of things, if they obstruct the ordinary channels of business, and seek to confer advantages on their own labor which it would not otherwise possess, we must either adopt countervailing measures, or become the victim of their policy. We have already seen the extent of their regulations, pursued, too, with the express view of cramping the natural spring of our enterprise. If they receive the products of our agriculture, it is not to reciprocate the exchange, but, from necessity, to supply their own wants; nor are they driven even to this expedient, until the scarcity among themselves makes it indispensable, while the products of all our other labor are subjected to a perpetual exclusion. The effect of this policy, on the part of foreign nations, is to render our own raw products, in a great measure, useless, and to confer on the foreign labor a monopoly in our own market. These are unnatural advantages, which must be counteracted by similar encouragements to the home industry. If foreigners stimulate their industry, we must stimulate ours also; if they preserve a preference in their market, we must give to our labor a preference in ours; as they contract their want of us, we must contract ours of them; if they pursue undue means to labor for us, we must take care to labor for ourselves; a contrary policy would render us dependent upon foreigners for every thing, since, by their system of encouragement, they can undersell us in any thing.

The system is not a new one in the United States. We have always deemed it our duty to protect the home labor against foreign competition. Our duties upon the agricultural products of foreign countries were not imposed for purposes of revenue, but for the protection of our own agricultural industry. And although gentlemen may be disposed to regard these regulations lightly now, because of the peculiar condition of foreign countries heretofore, they are, nevertheless, indicative of the sense we entertain of our true policy; nor

should it be forgotten that East India cotton is already imported into the United States cheaper than it can be procured from the Southern States; and that the day may not be distant, when the competition in this article will be much more formidable.

We have adopted the same system for the protection of the commercial enterprise of the country. The heavy foreign tonnage, the high rate of duties upon merchandise imported in foreign vessels; bounties allowed on the exportation of fish; tonnage and drawback granted to fishing vessels; the exclusion of foreign vessels from the coasting trade, and the entire system of navigation laws, are evidently designed to give a preference to American ships and enterprise, over those of foreigners. I do not refer to these in the spirit of complaint; far from it; the wisdom of the policy is apparent in its effects. Nor do I refer to them to show that, because we have done much for commerce, we should, therefore, do something for manufactures; but I refer to them, as demonstrating the utility of the doctrine, of leaving things to regulate themselves; as evincing the necessity of national protection for national labor, and of counteracting the effect of foreign competition upon our home enterprise, in whatever channel it may be employed.

But, if the encouragement we have already given be insufficient for the purpose; if against these the foreign policy is able to raise its arm and paralyze our energies; if, in short, the labor of the country is now idle and unemployed, and an extension of the system of encouragement be necessary to render it active, shall we stop short of the object, or shall we not rather afford it the utmost stimulus? What, then, give me leave to ask, sir, is the present condition of this country? Do we require witnesses to be examined here, or before our committees, to inform us of the want of employment, and the scenes of individual distress and public embarrassment which everywhere prevail, or are we to sit down and calculate in figures their weight and extent? We are assembled here from all quarters of this extensive empire, and every gentleman brings with him a knowledge of private and public suffering beyond example! The honorable Speaker, in the eloquent speech he delivered a few days ago, described to us the condition of the manufacturing establishments in the East, where all admit the closest economy is practised. But the East is not singular in its scenes of decaying houses, deserted establishments, and individual ruin; they are presented wherever manufacturing capital has been employed, and every one must see the ruin which has fallen upon thousands of our citizens, who formerly obtained their living in this species of labor. But, sir, I do not confine my observation to this class only; I invite gentlemen to look at the condition of the country at large, of all classes of labor, in every part, for it is to this sickening mass of general suffering that the remedy is to be administered. Consider the low price of property, as well real estate as every description of our products; look at the decaying towns and villages which are every where presented; at the

thousands of the laboring classes of the community deprived of employment; at the numerous bankruptcies, which seem to blacken your cities, and fill them with dismay, and almost despair; at the mass of enterprise, and skill, and science, now enfeebled and borne down by cares, and weeping over a state of deplorable inactivity! Consider the universal stagnation in every branch of industry, agricultural, commercial, and manufacturing! How is the face of this great country changed! Where late reigned plenty, and was heard the active hum of business, now meagre scarcity prevails, and idleness palsies the human energies; the poor are wretched, the man of large real estate lives only by the most rigid economy!

And what, sir, is the cause of all this? The answer is not difficult. The artificial state of things which succeeded our Revolutionary struggle, and which, with the stimulus given by our late war, has hitherto sustained us, has suddenly changed; the channels of our wealth are dried up; our labor is thrown out of employment by foreign competition. Give me leave, sir, to trace these causes more particularly.

Before the establishment of our independence, we relied for our supplies principally upon the labor of England, whose policy it was to preserve that state of dependence, and discourage all efforts in her colonies to manufacture for themselves. But the successful termination of that memorable conflict defeated her policy, and gave a new spring to our enterprise, and the same spirit by which it was achieved dictated a resort to our own resources to give it perpetuity. The subject was almost the first that occupied our national deliberations; and the report of the illustrious man who then presided over the Treasury, Mr. Hamilton, portrayed with a prophetic hand the true course of national policy. It would have been pursued long ago, but for those desolating wars which soon afterwards broke out in Europe, and which have continued ever since, until very recently, with scarcely any intermission, and cramped both the agricultural and commercial enterprise of those nations. Their population was drawn from these employments to man their fleets and fill the ranks of their armies; they had little time for the cultivation of the peaceful arts, and we became their growers and carriers. In such a state of things, the population of the country, at that time, found full employment in the agricultural and commercial pursuits, and in the multiplicity of handicraft and other employments, to which a flourishing state of those two great branches of industry always give rise.

The demand abroad exceeded our means of supply; we received high prices for all our produce; our commerce penetrated all parts of the world; every man found constant demand for his labor; and the capital of the country had a brisk circulation; we exchanged all our products for the fabrics of foreign countries, under great advantages, and increased in wealth and power with an unexampled rapidity. But a new state of things has taken place. Those wars have terminated, and the world is at peace. The population which filled the fleets

and armies of Europe is withdrawn, and is now turned to agricultural and commercial pursuits. We no longer possess the exclusive advantages in these respects; they neither require our ships nor our agricultural products. Their demand for our surplus produce will diminish annually; for they are rapidly carrying into practical operation their policy of creating their own supply. We all know, too, that the India trade never did, and never will, require any part of our products; it deals principally in money, and operates as a perpetual drain of our specie. If, in connexion with these causes, we consider our increasing population, the result is, that our wants of Europe are augmenting and theirs of us are diminishing. As we can export less, we must raise less; we cannot employ the same quantity of labor, and all those industrious people who are occupied in feeding the demands of a prosperous state of agriculture and commerce are cast upon society without the means of subsistence. The result is, also, that, as foreign nations will not take our surplus produce in exchange for the articles for which we rely upon them, we must go in debt for the amount, and without any means that I can discover of making payment. The balance of trade against us last year was twenty-eight millions of dollars; and every one must see that, as the wants of foreign nations are annually diminishing, this balance must increase with the same proportion. What, though it may be true, as has been contended, that the present embarrassments may be occasioned in some degree by the inordinate extension of the bank capital, and the imprudent speculations of individuals, it neither makes the evils less, nor varies the remedy. If the distress be at all ascribable to this source, it is more because of the capital having been suddenly withdrawn from circulation, than because it was ever thrown into use. No doubt much of the individual embarrassment which now prevails would have been spared, if such an accumulation of bank capital had not been made. But it cannot be disguised, that this capital had become the standard of the business and transactions of the country, and, if it had been permitted to continue, the labor of the country would in time have redeemed it. It has been, however, suddenly taken up—a stagnation of business, scarcity of a circulating medium, sacrifice of property, and want of employment ensue. The necessity for the interposition of Congress is only increased, therefore; and, as we refuse to create a national currency, the duty becomes more imperious to provide another remedy. The remedy is, to foster the national industry, to create a market at home for our surplus, and to make for ourselves what we should be obliged otherwise to import from abroad.

We are here met by the objection that, if this necessity exist, labor will itself take the direction without our interference.

That the necessity does exist no one can doubt; it is palpable; it has existed for some years, and yet the labor has not taken the direction. On the contrary, a great portion of the capital heretofore embarked in almost every branch of industry, is now idle; the distress is progressive, and the man-

APRIL, 1820.

Revision of the Tariff.

H. OF R.

ufacturing labor is retrograding. The memorials from all quarters of the country prove this. I can speak from my own knowledge of that part of the country which I represent—the manufacturing interest, which is by no means the least important. Of the state of manufactures there I could draw a picture, without the aid of imagination, of the most gloomy nature; suffice it to say, however, that more than a moiety of the labor formerly employed in these establishments, is now without business; that many of the establishments are actually suspended and that others will soon follow, without the encouragement now contemplated. I shall not deny that this state of things may be owing, in some degree, to the immense quantities of British goods with which this country has been inundated by the foreign merchant and manufacturer; but this only augments the evil; it is a striking illustration of the effects of foreign competition, in the continuance of which the British manufacturer, as well as his Government, has an immediate interest. The honorable gentleman from Virginia (Mr. BARBOUR) is mistaken, however, in supposing that the American manufacturer calculates his profits upon his war capital, though, if he did, as he was encouraged by his Government to invest it, it would afford no reason why he should now be abandoned in the day of his adversity. Such establishments, no doubt, feel the pressure more than others; but none are free from it, and even those which have been sacrificed at public sale, and passed into the hands of new owners, at reduced prices, are unable to resist foreign competition.

The truth is, sir, that labor and capital will not of themselves become immediately or extensively employed in manufactures, without the fostering aid of Government, especially in seasons of great distress. They are not so immediately productive in these occupations, and in times of pressure and embarrassment, men look, and are obliged to look, more to an immediate profit and relief, than to ultimate and permanent advantage. In times of extreme need our daily wants must be satisfied; we dread the slow progress of permanent success. Besides this, the changing from one business to another is always an affair of time, and has to encounter the force of old habits, and many other impediments extremely difficult to surmount. We see the force of habit constantly exemplified in the stubborn preference which is given to foreign fabrics, which we have long been accustomed to use, over domestic productions of an equal or even superior quality. The knowledge of such a prejudice, too, cannot fail to deter the capitalist from encountering it. The first impulse of such necessity would be discerned in the manufacturing in families for their home consumption, and even this is slow. But manufacturing establishments, which are to afford employment to the labor of the country upon a scale commensurate with our condition, require both capital and skill. Property of a considerable value must be purchased, improvements made, and costly machinery constructed, which are not adapted to other pursuits; and in the acquisition of skill capital also, as well as time,

must be consumed. Agriculture may be pursued without much capital, and there are few who do not possess sufficient knowledge to cultivate the land, in which but little risk is required; but a failure in the manufacturing enterprise is frequently attended with entire ruin. The apprehension of their risks, in competition with the foreigners, whose skill has been matured by a century, and whose capital has grown up under the invigorating hand of national encouragement is, of itself, sufficient to forbid the experiment. It is, moreover, the result of the experience of all times and ages that the success of manufactures has depended upon governmental aid; they have never flourished any where without it. And if encouragement has been found necessary in other nations, and in early periods, how much more is it required in this country, where, in addition to the general considerations and intrinsic difficulties already referred to, we have to contend with the bounties and premiums of other nations, conferred with the express view of stifling our infant enterprise, and preserving their mature ascendancy. Such a rivalry is too unequal to be encountered. Without public aid the contest would be hopeless.

The case is fairly presented, then, sir, in which, from various causes, our home productions cannot stand a competition with those of foreign nations in our market; and in which our national industry is incapable of being stimulated by the rivalry of foreign industry. In such a case, the best writers upon political economy pronounce the interposition of the Government necessary. In such a case the most liberal aid cannot possibly do harm, since it only accelerates a state of things which it is necessary for the interests of the country should take place. Sir, it would be unwise to await the slow and miserable progress of our unassisted labor in such a conflict, marked, as it would be, by the evils of individual want and public imbecility. Nor, sir, can we forget our obligation to those who have already embarked their fortunes in manufacturing establishments, in the full confidence that their efforts would be cherished and sustained by the national protection.

The degree in which the encouragement shall be afforded is, then, sir, the only remaining question. I am willing that this should be measured by the capacity of our labor, and the obstacles with which it has to contend. But it should be sufficient to produce a successful rivalry, and secure the preference in the home market. I do not advocate the policy of prematurely drawing the labor from one branch of industry to another; by extraordinary encouragement, or by high duties, to create a capacity which is to be useful some twenty years hence. But, where we possess the capacity, which, by a due preference in our own market, would supply our consumption with those articles, with the raw material of which our own country abounds; there, I contend, the duty becomes imperious to cherish the capacity, and stimulate it to the highest activity. It is in this point of view, among others, that the policy of the friends of the tariff avoid the narrow construction now put upon the visionary theories of political economists; it is

not entirely giving a new direction to the labor of the country, or creating new habits or employments at a great expense upon other classes. It finds the capacity existing; it looks to the direction which men's own dispositions and the course of events have given to the labor, and finding it struggling with a foreign competition, it steps in to its aid, cherishes its resources, and secures them the scope of the home market. But the relief should be prompt and effectual. If the first tariff had gone to the extent now proposed, many of the evils of which we now complain would have been avoided. It is no answer to say, that the tariff was then deemed sufficient; and if the manufacturers then believed it would be, it only proves that they desired no extravagant aid. One thing, however, is certain, that Congress did not fix the duties at as high a rate as was recommended by the Secretary of the Treasury, and the result has clearly proved its entire inadequacy.

Do gentlemen doubt the capacity of our labor to supply our home consumption with all the articles of prime necessity—the great object of every provident government? I refer them to the progress which has been already made, under all disadvantages, in the manufacture of coarse cottons and woollens, iron, glass, paper, leather, and cordage. In quality, they are, in all respects, equal, and in many instances superior, to the foreign article. Cramped as we have been, we have manufactured one-third of our cotton crop, and with the few hands which the owners of these establishments have been able to employ, they have supplied clothing for the Army and Navy, and gradually introduced their fabrics into most parts of the interior of the country. Of each of these branches of manufactures, our own country affords the raw materials in abundance, and for the raw material of iron, glass, leather, and cordage, we have no demand abroad. The raw material of iron and glass is entirely worthless, unless used in the construction of the fabrics of this manufacture, and are by that means constituted a new and exhaustless source of wealth to the nation. If, therefore, we depend upon the foreign supply for these articles, besides leaving our labor idle, we abandon this source of wealth at home, and pay a premium to a foreign nation, for converting unprofitable materials into articles of great profit and advantage to their labor, at our expense! And yet it has been said, in the debate, that our manufactures contribute nothing to the national wealth! Sir, let us consider the operation of manufacturing labor upon the wealth of the nation. It would appear to my mind to be a proposition too clear for argument, that a nation who labors to supply its own wants, instead of hiring foreigners to do it, as certainly grows rich by the operation, as does an individual who pursues the same process. If, instead of sending abroad twenty millions of dollars annually, to pay the British manufacturer for his fabrics, we should make them at home, by labor which would be otherwise unemployed, then if we should not save to the country that twenty millions of dollars, there can be no confidence in mathematical certainty. I invite the attention of gentlemen to a

few calculations as to the effect of employing the home labor in this way.

England draws the raw material of her cotton, woollen, and leather manufactures, principally, from other others, and yet Colquhoun estimates her clear gain per annum, upon these three articles alone, deducting the cost of the raw material, at fifty-three million pounds sterling. This is the result of a system which buys the raw material and sells the manufactured article; but in this country, where we should work up our own raw material, which we cannot easily dispose of in any other way, the effect would be still more striking. We have already made sufficient progress in this country, not only to develop the capacity of our labor, but to illustrate its conduciveness to individual and national wealth. The able report of the Committee of Commerce and Manufactures of 1816, states that, at that time, 100,000 persons were employed in the cotton establishments alone, in the United States, and that of these, 10,000 were males over seventeen years, 66,000 women and female children, and 24,000 boys under seventeen years of age. They employed a capital of \$40,000,000. They used, of cotton, 27,000,000 pounds, which, at thirty cents, amounted to \$8,000,000, and they produced, of yards, 81,000,000, which, at thirty cents, would amount to \$24,000,000, and yield a net gain to the country of sixteen million two hundred thousand dollars. It ought to be remembered that, of this sum, at least fifteen millions of dollars went into the pockets of these 100,000 poor people employed in the establishments, and blessed them with competence and honest independence: it thus passed into general circulation, and filled up the veins throughout the body of the nation. What, give me leave to ask, would have been the condition of these 100,000 people had they not been so employed? It is too plain that they would have been in idleness and want—rather the objects of public charity than the active contributors to public wealth; while, at the same time, the sixteen million two hundred thousand dollars would have passed out of the country, and gone into the pocket of the foreign laborer and capitalist. Let us extend the calculation to our actual capacity, and contrast it with the effects of a foreign supply.

Our exports of cotton, in one year, have been estimated at 90,000,000 pounds, which, at sixteen cents, would be worth \$13,400,000; our labor is capable of manufacturing this at home; but if we procure our supply from a foreign country, we should take 270,000,000 yards, which, at sixteen cents, would amount to \$43,000,000, and we should pay to the foreign laborer \$29,600,000, which we might have paid to our own.

The same report of the Committee of Commerce and Manufactures states that, in the year 1816, there was invested in the establishments for the manufacture of wool, including buildings and machinery, a capital of \$12,000,000; and estimated the raw material consumed at \$7,000,000; and the increased value of manufacturing at \$12,000,000. By these establishments, therefore, even upon this contracted scale, we made at home

APRIL, 1820.

Revision of the Tariff.

H. OF R.

\$19,000,000 worth of woollen goods, which, if we had brought from Europe, would have cost the sum of \$12,000,000, the value of manufacturing. Nor was the profits of these operations confined to the manufacturing labor immediately employed; the capital which erected the establishments and constructed the machinery enriched the mechanic, and that which purchased the raw material went into the hands of the agriculturist, which is an additional illustration of the universal diffusion of these benefits throughout all classes of the community.

Nothing can be plainer, sir, than that, by this operation of laboring at home, we add a clear gain to the national stock; and the force of the argument is not weakened by the remark which has been made, that it puts nothing more into the pocket of the cotton grower than if the articles had been procured from abroad. It takes nothing from him, but, while it gives greater scope and certainty to his market, it rewards the labor of other parts of the country which otherwise would be impoverished. And can it be denied that every addition to the general stock redounds to the common benefit? Sir, the wealth thus accumulated by the individuals, of whose immediate exertions it is the reward, does not lie idle in their hands; it goes directly into the general circulation. It becomes the interest of every class to render the earnings of their labor immediately and extensively profitable; they are laid out in procuring an increased supply of articles for consumption; in the purchase and improvement of land; in the erection of buildings, both of taste and utility; in projecting roads and canals, and in all those liberal objects of public improvement which accompany the possession of ease and riches. These again open and promote new sources of labor and expenditure. The agriculturist feels the impulse in the increased value of his land and estate; and, together with the merchant and all others, in the abundance of capital and facility of intercourse, the laborer and mechanic find full employment and liberal prices; specie abounds in all parts of the country, and ease and plenty crown the exertions of every branch of industry. This state of things has ever been the result of a flourishing state of manufacturing labor in all countries and times in which it has been cherished. I can assure gentlemen that I have witnessed the practical illustration of this system upon that part of the country in which I reside, when the stimulus of the late war had given life and activity to its industry, and put the establishments upon the banks of the Brandywine in full operation. And, sir, if I did not feel too keenly for those of my fellow-citizens who have felt its effects, and for the condition of a country, for many reasons dear to me, I could delineate the melancholy reverse which now enfeebles the hand of labor and paralyzes every species of enterprise.

Nor, Mr. Speaker, is the policy proposed by the tariff liable to the objection which has been urged of increasing the price of the articles, and thus operating as a tax upon the consumer for the encouragement of a few manufacturers. The manufacturers do not ask you to enable them to sell

higher, but to sell at all; they do not wish you to raise the price of their articles, but to enable them to sell in our own markets, now monopolized by foreign bounty. The profits of the manufacturer depend no less upon the quantity sold than the price obtained for it; and give the American manufacturer his own market, and he desires no increase of his price. Nor could he calculate upon such an increase, when the effect of the policy would be ultimately to reduce the price in a considerable degree. The price of any article, whether of foreign or domestic product, must, in the nature of things, be regulated by the proportion of the supply to the demand. If the supply be abundant, the price will be low; and if high, it will be scarce.

The foreigner will always get for his article the highest price he can. The home manufacturer will do no more. It is this proportion which keeps down the price, where the supply is a foreign one; and why will it not produce the same effect where it is domestic? If we possess the capacity to supply the demand, as I have shown we do, the same principle will operate, and the competition at home will produce the same effect as that among foreigners, but it will produce even a greater one. Our opponents are obliged to admit, as especially the honorable gentleman from Virginia, (Mr. BARNBOURN,) who has ingeniously attempted to render it subservient to his argument, that our use of improved machinery places us upon an equality with foreign nations on the score of labor, and that in all other respects we have the advantage. If, then, the foreign monopoly were done away, we could bring the article into the market cheaper, because we save the expense of distant transportation. We place the manufacturer and consumer by the side of each other, by which means the articles are brought into market unattended by the costs of transportation, freight, insurance, and the profits of the merchant. But if I were to concede, for the sake of argument merely, that the price would be higher for a short time, it would be but temporary, and the increase of the price immediately tempting the further employment of labor, the supply would at once become proportionably greater. This temporary enhancement of price would not only be compensated by an ultimate reduction, but by an immediate addition to the national wealth, as I have already shown. These are the considerations which render the apprehensions on the score of high price worthless in the eye of the statesman who looks to the lasting and substantial interests of his country, who lays the foundation of her glory and independence upon a firm and lasting basis, and compares the inconvenience of a temporary privation with the strength and durability of her future progress. I am willing to submit to this temporary enhancement of price, if it is to be so, and I am willing to compel my constituents to do so.

But it is said, and with a seriousness which would indicate it as the chief source of apprehension with our opponents, that this employment of our labor will be prejudicial to our agriculture and commerce! From the considerations I have al-

H. OF R.

Revision of the Tariff.

APRIL, 1820.

ready endeavored to present, in the course of argument I have adopted, these objections would appear to me to be groundless, and in a great degree answered. But there are too many sound reflections establishing a mutuality of interest in the three branches of industry, to be slightly passed by.

I have already adverted to the condition of our commercial enterprise. We have already seen how very much it has been circumscribed, and that, without the recurrence of events which we cannot reasonably anticipate, it can never expand to its former dimensions. In contracting our wants of foreign labor, therefore, in the extent to which I have limited my views, and in exercising, of our own manufacture, articles of the first necessity, we do not abridge the commercial enterprise—we simply employ the labor, which it cannot do, without injury to the nation, and we leave it an ample range for all its means, in that portion of the foreign trade with which we cannot now, and perhaps never can dispense. Sir, this abridgment in the commercial trade will take place without the tariff. We cannot long endure the destructive balance of trade we have already seen accumulating. We shall be driven to contract our wants by lessening our consumption; our inability to pay for them will oblige us to curtail our foreign importations, whether we pass this tariff or not.

But if we labor at home, as we increase our means we shall increase our ability to use those articles of luxury, for which we rely upon the foreign trade, and thus continually enlarge the sphere of commercial capital, and give a new spring to its activity.

The commercial labor and capital will also find additional employment in an enlarged coasting trade, to which an improved home market would give rise, and we cannot be unmindful that, in our future progress, it may become our privilege to sell to others the articles which we are now compelled to buy from them. The day is not distant when the South American market will open to us a vent for all our surplus, in which, with the fostering aid of our Government, we may sustain a rivalry with every other nation. In such an event, our commercial activity would have the most ample scope.

But, Mr. Speaker, the interest of the agriculturist in the success of the manufacturing labor, appears to me so manifest that I cannot suppress my surprise, that ingenuity itself has been able to frame an objection upon this part of the subject. The benefits conferred upon the agricultural interest have served, more than any thing else, to fix my conviction in favor of this tariff.

I have already adverted to the present depressed and embarrassed state of our agriculture, and have endeavored to show the general spirit of energy and exertion which the accumulation of wealth, by the employment of the home labor must produce, and the manner in which its first spring would be felt by the agricultural interest. As the agricultural labor is at the end of the foundation of every other, it is the first to share in their prosperity; the success of manufactories cannot subdue

it from the labor employed in agriculture, as has been argued, and must, therefore only impart new vigor to its energies. The national encouragement, confined to the objects which I have specified, would do no more than employ that portion of labor which the weakness of the demand renders useless in agricultural pursuits, and the manufactures alluded to would be conducted principally by new labor, or labor that could not be otherwise employed, but would be idle and unproductive. We have seen that labor in manufacturing establishments consists, for the most part, in machinery, and women and children, and, in addition to the remarks of the honorable gentleman from Virginia, (Mr. BARBOUR,) demonstrating the wonderful effect of machinery, it may be observed, that the use of it is a clear addition to the national labor, requiring no expense to support it. The use of this powerful auxiliary, breaks up all the foundations upon which the old objection rests, that, in new countries and a thin population, manufactures are injurious. The employment of women and children open to the farmer new sources of profit, by offering new occupations to his family, and contributing to their subsistence. I do not admit the dangerous influence of such occupation upon the morals of the children. There is no sound theory which authorizes us to infer that constant employment, rather than idleness and poverty, injures the moral character; and my own observation directly contradicts the assertion. I do not believe there is any district of country in which there is less vice and criminality, than in the manufacturing establishments in the vicinity of my residence, and particularly those located upon the Brandywine. In these establishments there are hundreds of poor children employed, and I am sure that the utmost attention is paid to their moral habits, and a system of schools and education have been founded, through the liberality of their employers, which yield them a fund of instruction which they could never hope to acquire from the poverty of their parents.

But even if a few hands should be taken from the agricultural pursuits, no injury could result from it. We already raise more than we can send abroad, and the effect would only be to improve the soil, and raise more from fewer acres, and with less labor, and of consequence with greater profit; a system of cultivation which, I believe, it is the interest of every agriculturist to pursue. We cultivate too much poor land, and waste our labor upon an impoverished soil.

The great interest, however, which the agriculturist has in the success of manufactures, is the home market which they afford for his surplus products; a consideration in which is involved every motive which is calculated to invigorate agricultural labor, and secure the national independence.

The home market is both of greater scope and of much more certainty than the foreign market; it increases with the growth of the country, and enlarges with the sphere of our wants. If we drew our supplies from our own manufacturing labor, the demand for the raw material and the agricul-

APRIL, 1820.

Revision of the Tariff.

H. OF R.

tural product, would preserve the proper proportion, and insure their consumption without a dependence upon foreign demand. The state of a foreign market depends upon the wants and policy of foreign interests, never favorable to ours, and often conflicting with them. It is completely at the mercy not only of the disputes of foreign nations with us, but also of their particular relations among themselves, which we cannot either avert or control. If our market is abroad, the arrival of every ship will produce a fluctuation, and either reduce our prices, or raise them, to be again suddenly depressed, baffling the most prudent calculations of the farmer. If it is at home, the varying course of foreign policy cannot affect it; things flow on in an even channel, and the labors of the agriculturist and manufacturer mutually cheer each other, and impart new vigor to the home labor.

I do not attach any weight to the argument which urges the inadequacy of the home market. If the branches of manufactures, to which I have principally adverted, were in full operation, their labor would rely entirely for their supply upon the agricultural class, instead of raising for themselves, as they are now compelled to do from necessity; and they would certainly consume and require as much as the foreign labor. The consideration applies with peculiar force to the United States, where the agricultural labor, from the great diversity of soil and climate, find the best profit in the production of articles peculiarly adapted to the manufacturing demand. The demand of the agriculturist for the products of the woollen, cotton, iron, and glass manufacturer, of the maker of paper and leather, of the hatters, fullers, and dyers, and the numerous other trades connected with these, is extensive and constant, and it is impossible to suppose that all these, when in full operation, will not furnish a complete market for the agricultural produce which will, of necessity, be adapted to the demand, by which means a market would be afforded for many of the agricultural products in a much greater extent than could be otherwise expected, such as the ores of iron and glass, coal, fuel of all kinds, vegetables, dye-stuffs, and grain itself, where it is used in some branches of manufacture for other than the purpose of food. There would also be an increased and increasing demand, by multiplying the number of consumers by emigration from foreign countries, and by increasing the capacity to consume. Men live in proportion to their means—abundance flows in the train of riches, and the consumption is always in proportion to the wealth of the consumers.

But the home market will also be more permanent, since it will always depend upon our own wants and condition. Foreign nations possess both the disposition and ability to depress our agricultural labor; and though gentlemen now affect to attach more importance to the apprehension of their capacity to undersell us in our own market, they should not overlook a danger much more imminent and equally fatal—their capacity to dispense with our productions in their market. When such an event, to which the whole scope

of foreign policy is tending, shall happen, the importance of the home market will be taught by a necessity which a wise foresight should now provide against.

I have already adverted to the redundant population which the present state of Europe will necessarily employ in agricultural pursuits, which are presented in the wide scope of territory which each of those Powers possess. England herself has much land which she may yet reduce to cultivation, so that every year they will diminish their wants of our supply. I entreat gentlemen from the South to consider the argument, in regard to the single article of cotton, as illustrating its fullest force. Foreign nations are annually taking less of this article from the United States, and using every means in their power to dispense with our supply altogether. Even England, from whom we must procure our fabrics, unless we determine to work for ourselves, is annually increasing her supply from India and Brazil, and lessening it from us; and it will be observed, by a reference to Seybert's Statistics, that, while her importations from the United States are nearly stationary, those from India and Brazil are quadrupled, and yet we hesitate to provide a market at home, and counteract a foreign policy which rears its industry upon the ruins of our prosperity! Foreigners rival us in the raw material of cotton, wool, iron, glass, and paper; they render ours useless at home by refusing to receive them from us, and yet compel us to pay them for working up their own for our use!

The home market would reconcile the interests of every section of the Union, and convert the only diversities which ought ever to exist in this country—those of soil and climate—into common blessings and sources of national prosperity. By it the three great branches of industry would equally redound to the general good; they would be united by the same bond and labor for the same purpose; their profits would flow in a common channel, and fructify a common country.

Suppose it should be conceded, as has been contended, that the manufacturing establishments would be principally located in the Eastern and Middle, and some of the Western States; their dependence upon the South for the supply of the raw material would necessarily produce a common interest throughout the whole. The cotton, wool, indigo, hemp, rice, and sugar, of the South and West, would be exchanged for the manufactured productions of the other parts of the Union, and thus produce a course of trade equally beneficial to all parts of the community, and not less profitable than any foreign commerce upon which we can calculate.

If I had not already consumed more than my share of the time of the House, I could easily show the superior advantages of the employment of capital in the home trade, to the extent now contemplated, referring to both England and France for an illustration. It will be sufficient, however, merely to glance at the course of such a trade in the United States. The merchant at Charleston, for example, would lay out a capital of twenty

H. OF R.

Revision of the Tariff.

APRIL, 1820.

thousand dollars in produce purchased of the Western farmer, which he would sell to the planters of the South for cotton worth twenty-four thousand dollars. This he would ship to the Eastern or Middle States, and exchange it for twenty-eight thousand dollars worth of manufactured articles, with which the demands of the South would be supplied. It must be perceived at once that, in every step of this progress, the home labor is stimulated; the industry of our own citizens in the North, South, and West, is equally benefited to the full amount of the capital employed, which is kept rapidly and constantly circulating. But if the merchant of Charleston should exchange his Western produce or Southern cotton in Europe, for foreign goods, the labor of this country would be benefited only to the extent of his profits, and his capital would be employed as much for the benefit of foreigners as that of our citizens, of which we are every day feeling the evil effects. We are sensible of the evil, and we cannot mistake the remedy.

We possess a country highly favored by Providence, filled with resources ample for all our wants. It is for us to adopt a system of policy which shall draw them forth, and make them active, and which shall protect the home labor against foreign competition, and which shall provide the home market accessible by roads and canals.

I owe the House an apology for having consumed so much time, and will only repeat my hope that the motion may not prevail.

Mr. LOWNDES said, that, after the view which had been taken of the question before the House by his friends who had already spoken, he should not attempt a systematic exposition of the grounds of his vote; because, in doing so, he would be obliged to employ arguments which they had stated more clearly and strongly than he could do. On this account his observations must be very desultory.

The question was not whether manufactures were useful; a great deal of trouble had been taken to prove what nobody denied. Nor was it even the question, whether it was the policy of the Government to encourage them by duties upon foreign importations. His friends had shown, by arguments which had not been answered, that that employment of industry which afforded the most profit to the individual, would ordinarily conduce most to the wealth of the State, and that the duties or prohibitions which should direct any portion of the labor of the country to a business which it could not otherwise engage in, would usually be found to substitute a less profitable employment for one which was more so. If they are right, the present bill, which proposed a large additional encouragement to particular branches of industry, must be entirely indefensible; but, if there were doubt as to the correctness of opinions, (which they held in common with every political economist, to whose work time had given its sanction,) this doubt was enough to dissuade the House from further interference on a subject on which they had, perhaps, already gone too far. While his principal object would be to show that the en-

couragement already afforded was as great as could reasonably be granted, he wished, before he engaged in an inquiry into the degree of encouragement, to advert to some general principles which he supposed to be involved in the discussion.

The gentleman from Delaware, (Mr. McLANE,) whose argument he had heard with as much attention and pleasure as any of those who most fully concurred in his opinions, had proposed no partial or sectional objects. He wished to encourage the industry of the nation; to raise the value of labor and capital employed in every pursuit. This was very patriotic, but very impracticable. We cannot create capital. We are not magicians or alchemists. We can do no more than to produce a change in the distribution of labor among the different employments of life; and, if we increase the profits of any branch of industry by our legislation, it must be by taking from one class what we give to the other. Perhaps the general good might be promoted by such an act, (he was not now entering into this question;) perhaps the class at whose expense the interests of another class were to be promoted, might ultimately be indemnified for a temporary sacrifice; but the expectation must be utterly illusory, that a bounty could be given to any branch of industry without, at least, a temporary sacrifice by some others.

It was plain that the defence of the bill before the House implied that the industry employed in manufactures at home, should be more encouraged by the Government than that which was engaged in procuring for us the produce of foreign countries, in exchange for the labor or produce of our own. The first was called the home industry, and the phrase had no small influence in the discussion. In purchasing commodities imported from abroad, we are supposed to encourage principally the industry of a foreign State. Plausible as this view might appear, he thought that even a slight examination of the subject would show that manufactures and commerce might be equally productive, and might equally encourage "home industry."

Between the results of commercial and manufacturing industry, the difference is not as great as it has been represented. In manufactures a material of inferior value receives a change in its form which adds greatly to its utility. The fabrication which is completed in our country affords a profit, which is equal to the difference in value between the raw material and the manufactured article, after deducting the expense of manufacture. In commerce a material of inferior value is carried abroad, and converted into an article (or exchanged for one) which to us is much more valuable. The conversion affords us, as in the first case, a profit, which is equal to the difference in value between the original article and the exchanged product, after deducting the expense of the exchange. If a thousand people, in a corner of our country, make among them all the provisions which they consume, and in addition to these furnish, by their industry, one hundred thousand dollars worth of broad cloth, it does not appear that they add more to the wealth of the State

APRIL, 1820.

Revision of the Tariff.

H. OF R.

than the same number of people would do distributed among the employments of merchants, sailors, and farmers, who, after supporting themselves, should exchange the surplus productions of a part of them (enhanced in value by the other part which transports and exchanges them) for the same amount of one hundred thousand dollars in broad cloth, the same value of the same article. If, by high duties or by positive laws we could force these merchants and seamen to stay at home, and their capital and industry should produce, as before, the one hundred thousand dollars worth of broad cloth, the article, although fabricated in the country, would not more be the result of American industry (for the purpose of this argument) than if it had been obtained by the other process of maritime adventure. It is quite natural to consider the foreign manufacture as entirely the product, and its purchase as the encouragement of foreign industry. But how did we get it? Whatever may be the amount of foreign fabrics which are spread over our country, if it be the industry of Europe which produces, it is the industry of America which acquires them.

The industry employed in commerce, then, is American industry, and the acquisition even of foreign fabrics is the result of American industry and its encouragement. He should have an opportunity of illustrating this view when he came to treat of a branch of trade which the bill before the House proscribed—he meant the East India trade. He could, for the present, observe only that the importation of foreign fabrics acquired by American industry, if they were furnished at a lower price than our manufacturers could afford to sell at, produced the same loss and the same benefit as the introduction of any new machinery, or of any simpler process which would lessen the expense of fabrication. In employing the saw mill or the spinning jenny, we acted upon the same principle of getting what we wanted as cheap as we could, and we produced the same distress in throwing out of employment the persons whose ruder industry could not stand this new competition. There was one admission, however, which he frankly made; the effect upon home industry was the same of improved machinery or of foreign trade—but the trade which benefited ourselves benefited also the country, whose wants we supplied, or whose products we consumed. Let this objection have whatever weight it was entitled to. Its principle was not so much anti-commercial as anti-social.

In encouraging, then, the manufactures of the country by duties upon importation, his friend from Delaware would do the very thing which he meant to avoid—he would promote one branch of American industry at the expense of another. But whether this control of individual industry was right, he meant to leave to the arguments of his friends from Virginia. It had been said that the plan of encouraging particular branches of industry had been applied to commerce as well as manufactures. This was no decisive recommendation of it. If the nation had been taxed to encourage commerce, it was a poor indemnity, (it was not exactly a

compensation of errors,) that it should be taxed for the support of manufactures. There was, too, some little difference between the two cases. Taxes for the support of Government were laid upon commerce; these were paid by the consumers of foreign merchandise, and whatever the expenses on account of commerce may have been, they were expenses which commerce herself was made to pay. The merchant, or the purchaser of foreign articles, received, if you please, some relief from the credit which was allowed upon the payment of duties; but he certainly received nothing from contributions which were paid by any other class in the community.

Exclusive advantages, indeed, have been given to the navigating interest. The principal interest of it was the monopoly of the coasting trade. This was connected with considerations of defence, not of profit—to support not our merchants, but our navy. But what was the extent of the bounty? In the direct trade with the first navigating country in the world (England) our ships obtained, without any discrimination in the duties, the larger part of the navigation. Could the ships of foreign nations, unable successfully to compete with ours in foreign trade, have carried on the coasting trade on lower terms than our own? No other interest has contributed a bounty to commerce, and the discrimination in favor of American navigation, in the only instances in which it could be expected to operate, (if it ever operated at all,) was a discrimination of ten per cent.

The encouragement of manufactures in the mode proposed, whether the thing were right or wrong, must produce two effects—the one, that of withdrawing labor and capital from commerce or agriculture, and thus enlarging the whole amount employed in manufactures—the other, that of effecting the distribution of labor and capital among the different branches of manufactures themselves. He would say nothing of the first effect, but the second must be allowed to be one of unmixed injury. Admit that it is our interest to manufacture articles which we could procure at cheaper rates from abroad, it must be still more our interest to manufacture such as prove themselves adapted to our circumstances by being able to bear foreign competition. Our capital and labor are limited, and, in directing the largest amount of these into branches which require most encouragement, we really divert them from those into which they would flow with most advantage. Thus, every branch of industry which is entirely safe from foreign competition, and in respect to which protecting duties may be considered as nominal, must be injured by the encouragement of those which draw from them their resources of capital and labor. We have many branches of industry among those which may be expected to be first established in every country, which seem not to be more prosperous now than they were thirty years ago, nor are the articles which they furnish by any means at so low a price. What are called the mechanic arts are generally in this class. Why is this so? Because Government, in fact, bids against them; because the operation of this system of duties must be relative,

H. OF R.

Revision of the Tariff.

APRIL, 1820.

and, in encouraging one branch of industry, we necessarily discourage another. Look at the iron manufactory as a proof of this. It is said to want yet further encouragement, recently as the duties have been raised, and, it is true, (he had the proof of it upon his table,) that the profits of the iron-master were greater before the Revolution than they had been for some past years; greater when our capital and population were small, and foreign competition unrestricted, than when all these circumstances were changed in our favor. To all that industry, whether agricultural or manufacturing, which is safe from foreign competition, the system of "encouraging domestic industry" can give no advantage, but it must share in the burden without participating in the profits. We exported the last year, he believed, manufactured goods to the amount of three millions. The establishments which furnished these could not gain by duties upon importation; but their expenses would be increased, though their profits could not.

Mr. L. enlarged for some time upon this subject, and attempted to show that the system of laying a high duty upon every process of manufacture must frequently produce this effect; that, to encourage a manufacture which employs but a small number of hands, and is comparatively unimportant, we may raise so high the price of an article which supports the industry and subserves the comfort of a large class of the community, as to produce general inconvenience. He appealed not to theory but to fact. We were anxious in 1816 to encourage the rolling of copper. We did so, and laid a duty upon copper in sheets. Our plan has, in part, succeeded. Two establishments have been maintained, which are said to employ fifty-four workmen; and it is computed that four thousand industrious men, the braziers who work up this copper, (whose industry even began to furnish articles for exportation,) have suffered heavy and general injury, which has extended to all their customers—to a large portion of the community.

The view on which peculiar reliance appeared to be placed for the defence of this bill was that which was connected with the alleged failure of our policy hitherto in respect both to the industry and revenue of the country. He had heard these arguments with surprise. He should hereafter make some observations upon a comparison between our import duties and those of the nations of Europe. But, was it enough to condemn our policy that it was not European? It is yet more true of internal taxes than of impost, that the nations of Europe are very far in advance of us. Their establishments of other kinds differ more than their tariffs from those of the United States. We had ventured, however rash it might be thought, "to adopt principles which had not been tested" by their experience. And, had we suffered for our temerity? Had our experiment really failed? What nation in Europe had advanced more rapidly to prosperity and wealth by the most successful wars, than had the United States without a conquest, by the mere development and natural growth of their resources? Let their policy be changed if it must be so, but let them not be ungrateful to the wisdom which had

directed, to the Providence which had favored them. The nominal value of property might change; the currency might rise or depreciate; but a population quadrupled in less than fifty years, and a production increased in a yet larger proportion, furnished no evidence to condemn the scheme under which security had resulted. Independently of the protection of property, which our laws afforded, the principal cause of a growth so extraordinary must be found in the high rewards of labor. In new countries, where land is yet not fully appropriated, labor always obtains a high price in the raw produce of the earth, and generally but a small one in manufactured articles. It has been the happy peculiarity of our situation and of our policy that the laborer has obtained as large an amount as any where else of the necessities which agriculture furnishes, and a much larger one of the comforts which manufactures provide. The statesmen may mar his condition, but cannot mend it. He cannot raise his wages estimated in the produce of the earth, and by a large foreign import he must lower his wages if you estimate them in the manufactures which he must consume.

But our scheme of revenue has failed. The House would have hereafter a better opportunity of examining this subject than they now have. He would not represent the state of the revenue as prosperous—but perhaps it was a proof that the prosperity of a few years had rendered our expectations unreasonable, that we looked almost with dismay upon the finances of a year, in which, if we deduct what we propose to borrow, from what we pay of public debt, there will still be an amount of debt extinguished, of upwards of two millions and a half (about half of which will be Mississippi stock.) After paying every current expense, and applying large sums in increasing the Navy and fortifications of the country, we should owe less by upwards of two millions and a half, on the 1st of January, 1821, than we did on the 1st of January.* He did not think, that the prospects of succeeding years, (looking to the average of several years) were as bad as they had been represented, unless they were made so by this bill. If the gentleman from Pennsylvania proposed to open new sources of revenue, his scheme would deserve the examination of the House. But, if Mr. L. understood his plan, it was founded on a notion which was erroneous in its principle, and must be oppressive in its application.

The revenue which the impost furnishes, is paid by the consumer, and not by the merchant. It is paid in the enhanced price of the article which he buys. The gentleman from Pennsylvania seems to think, that, if, by excluding this article, he is forced to consume only the domestic fabric, the Government, which has not received its accustomed duty upon the importation of foreign, may collect the same amount by an excise upon domestic ar—

* This statement was founded upon the supposition that one million and a half would be borrowed. If the loan, as appears now to be probable, should be of three millions, the actual reduction of debt in the year 1820 will be only one million.

APRIL, 1820.

Revision of the Tariff.

H. OF R.

ticles. "The money has not been carried out of the country." If, indeed, by ceasing to import the foreign fabric, the domestic article is furnished to the consumer at a lower price, he may pay a tax upon it—but the tax which was paid in the price of the article is not reduced by its exclusion; it is, indeed, so far as the farmer is concerned, increased—he pays more for the articles which he buys; his expenses are greater; his clear revenue less. Is there any legerdemain by which, under these circumstances, his ability to pay taxes can be increased? You tell him that he paid before a certain tax to the Government, and that he does not pay it now; he answers you, that he pays a higher tax, because he pays a higher price now than he did formerly, and that it is not his fault that this tax goes into the pocket of the manufacturer, and not into the public Treasury. If, in addition to the exclusion of the foreign article, you lay an excise upon the domestic product, it is evident that the country must pay a double tax, although the Government will not receive it. It is hardly possible, however, to reason upon this subject. The ability to pay taxes must be diminished by every thing which adds to the expenses (as the exclusion of foreign goods must do) of those who are to pay them.

Something had been said of the expenses of collecting a duty upon domestic goods, and the higher expense of excluding foreign goods seemed to be forgotten.

Some gentlemen admit that the proposition of his friends from Virginia, that individuals would pursue that course of industry which would be most profitable to themselves and the country, would be true, if other nations, as well as we, would "leave trade to itself." Their concession was injudicious. If all nations admitted a free trade, the arguments for restriction on our part would be just the same as they are now. What would be the inducements to us to admit this trade? That it furnished us in exchange for products which to us were worth a hundred millions, products which were worth one hundred and fifty millions; that what we bought was worth more to us than what we sold; and if those nations could not or would not buy the hundred millions, if they could not or would not buy more than fifty or twenty millions, the argument would still be unchanged even in its form. However reduced might be the amount of trade, it must still consist in an exchange of what we wanted less, for what we wanted more. In this view of the question, which appeared to him a very simple one, it was not necessary to remark upon the argument, that our supply of agricultural produce would grow in a much larger proportion than the demand of Europe or its population. It might be better for us that their demand should grow more rapidly, but if it would be to our advantage to supply a great demand, it was to our advantage, too, though in a smaller degree, to supply even a less demand. This difference however in the agricultural produce which we should export, and the foreign demand for it, might be expected to have been illustrated by experience, as well as developed by theory. What was the fact?

All admit that the proportion of our industry, employed to produce breadstuffs for foreign consumption, ought to bear a continually lessening proportion to the general industry of the country. But is it necessary that the Government should interfere to prevent the inordinate increase in the quantity of provisions which we export, or can the people manage that matter without our interference? Whoever will take the trouble to examine the account of our exports for twenty years past will find that, while the products of our industry at home have probably quadrupled, our exportation of provisions has not increased at all. It is not, then, necessary that we should force, by legislation, the industry of the country into any new direction, in order to prevent it from glutting the corn market of Europe.

Mr. L said that he would return for a moment to the consideration of the question, how far the propriety "of leaving things to themselves," was affected by the opposite system which was pursued by foreign Powers. If China should by law admit all our produce, manufactured or agricultural, it is plain enough that we could not advantageously send there any which we do not now send. Indeed, he did not know that she prohibited any of our produce, but if she did the prohibition was nominal, and it was evident that its removal could not change the policy which it was our interest to pursue. But perhaps China belonged to a sphere of industry too different from ours, for the application of these principles. Would the admission of the products of our industry by the nations of Europe justify, in the estimation of the friends of this bill, the reciprocal admission of theirs? Of what avail would it be to us that England should consent to take our manufactures? An engagement to do so would "keep its promise to the ear, but break it to the sense." Our breadstuffs she takes now only when wheat is above ten shillings, when, by the by, it is most our interest to sell it. Suppose her laws permitted its importation when the price was low; would any friend of the bill avow that this policy, which would make the establishment of manufactures here a matter of somewhat more difficulty, would incline him to dispense with protecting duties in favor of our manufactures? He put it to the candor of his friends on the other side, to say whether they would consent to a treaty by which the raw produce of America and the manufactures of England should be exchanged without duty? They would not. Their objections to an intercourse unburdened by duties, would be still stronger than they now are, if Europe, in affording a better market for our agriculture, should oppose still stronger difficulties to the establishment of manufactures.

Yet it was true that those who wished to impose heavier duties or prohibitions upon foreign manufactures, alleged that, by doing so, the price of agricultural produce would be raised. It was equally true, and more strange, that a great many good people, interested in agriculture, had believed the allegation. The error was susceptible of easy refutation. If, indeed, the allegation were just, the manufacturer would gain nothing by the

H. OF R.

Revision of the Tariff.

APRIL, 1820.

change. If the prices of what he buys and sells rise in the same proportion, he might as well leave everything as it is. But the notion that the encouragement of manufactures will give a good price to the productions of agriculture is entirely fallacious. Whatever may be the domestic demand for our grain, the supply will exceed it.

As long as there is good land occupied, the price of its produce, if there be no foreign demand, will exceed by very little the value of the labor employed in obtaining it. Such must be the case of a permanent embargo. But when there is an export trade, although the quantity exported may bear a small proportion to that which is consumed in the country, the price of that small proportion must determine that of the whole. He did not say that this was a reasonable theory, but a notorious fact. It was a plain deduction from these principles that, in an extensive and thinly peopled country, restrictions upon trade would raise the price of manufactures, but not of grain. In a populous and fully cultivated country they would raise the price of grain, and not of manufactures. The last is the situation of England; the first that of the United States.

But the opinion that the establishment of manufactures would secure a good price for our agricultural produce, had made so many converts, that it would be interesting to inquire into the causes which had produced it. He could not dwell upon the subject. But, when manufactories and banks were established contemporaneously, (and this association he believed not to be uncommon;) when manufactories were established by the aid of borrowed capital, and a profuse expenditure produced a local depreciation, the same effect was produced upon prices as an emission of paper money would have done. Everybody was willing to spend; everybody began to improve and build, and industry was stimulated to extraordinary activity, as it always is, by a depreciating currency. The remarks which he had made a few moments since, were enough to show how perfectly illusory all duties upon importation must prove for the protection of our agricultural industry. The price of our agricultural products must be determined by that part of them which is exported, and must in consequence be absolutely unaffected by duties, or even prohibitions. Gentlemen might, therefore, lay duties, or withdraw them from cotton, wheat, or tobacco, and they would change nothing but the words of their statute book.

If it were ever right that Government should impose its duties, with a view to the encouragement of particular branches of industry, Mr. L. said he had always believed that the two most reasonable modes of doing it were these: either to lay a very small and equal duty upon all manufactures, which would leave the relative inducement to engage in each unchanged, or to determine upon a very few branches, which the Government supposed to be best adapted to the situation of the country, or most necessary to its interest, and leaving others untaxed, (if revenue permitted it,) to direct the capital and labor of the country to these objects, where they might form a

sufficient security against an excessive rise of prices. The last was the more vigorous plan; perhaps it was the wiser one. Yet it was best adapted to a condition very different from that of the United States; he meant that of an enlightened government and an ignorant people.

Whatever were the encouragements which should be afforded to manufactures, it had always hitherto been supposed that these were required to be greatest at their first establishment. The reasoning of his friend from Delaware supported this conclusion. Mr. Hamilton had said distinctly, that, where any branch of industry continued long to require a bounty, it afforded proof that there were obstacles to its establishment which would make it unwise to persevere in it. Yet our system was not to continue bounties, but to increase them.

A strong argument, in the opinion of many gentlemen, was deduced from the large excess of importations above exportations, in order to show that it was necessary to interfere, and prevent the people from buying more than they could pay for. He had hoped that this subject had been put to rest by his friends from Virginia. An excessive importation may, indeed, take place for a year, although the price will usually be so much lowered by it that the amount of sales of a large may not be greater than would have been those of a small importation. This disproportion, however, between the supply and demand, between the sales and the means of payment, can continue but a short time. The price of American stocks here and in England, the present rate of exchange, sufficiently prove that our interference is unnecessary in fact (as it must always be wrong in principle) to adjust the balance of payments between the two countries.

So much had been said of this balance of importation above exports, that he might be excused for another remark. Gentlemen knew the corrections (and among them, those required by a consideration of the profits of freight, commission, and trade) which ought to be applied to our custom-house accounts. These corrections would vary the balance very much, but they would leave a result in which he should feel little confidence. There is, indeed, a view very different from that which the friends of the bill have taken. The balance of importations above exports, for a series of years, may not only be considered as the proof of a profitable trade, but the measure of its profit. Our trade with foreign nations is one in which we obtain their produce in return for our produce or our labor, and the more valuable their produce is, the better bargain we have made. We should not, as individuals, think it the evidence of unsuccessful business that we obtained in exchange for an article worth but \$1,000, one which was worth 2,000. Yet this is exactly the thing which is called by politicians an unfavorable balance of trade. In such a system, if the vessels which carry out your productions, and are owned by your merchants, are sunk in the sea, or carried to a market where their sales pay only their expenses, no returns can be made, the balance becomes very

APRIL, 1820.

Revision of the Tariff.

H. OF R.

favorable, and the politician is satisfied. If the cargoes reach a market which enables the merchant to bring back large returns, the balance of trade becomes unfavorable. A permanent balance of importation, (in a nation that has no mines,) must always be referred to the profits of its business. It was different with the excess of a single year. This, however, when it required correction, would, as his friends observed, always be corrected by the interests of trade, without the interposition of the Government. Could it be necessary that we should interfere by law to diminish importations, at the moment when we see that an unparalleled reduction is effecting without our interference? The importation of the last quarter of the year 1819, was not more than two-thirds of that of the corresponding quarter of '18.

Mr. L. said that, in the detached observations which he had offered, he had endeavored to remove the impression which some of the general arguments of the friends of the bill had made. The propositions which, to his mind, it appeared necessary that they should establish, they did not prove—they scarcely noticed. Grant that it is right that the Government should encourage all the manufactures of the country, that considerable duties should be laid upon the importation of every article which can compete with our own fabrics. This we have done already. He believed that there was now no nation in the world which, in proportion to its income, paid so great a bounty to its manufacturers, as the United States. Had it ever been contended, not merely that manufactures should be encouraged, but that the bounty to be given should not be limited by any determined relation to the necessity of the manufacture, or the fair profits of the manufacturer? This mode of defending the bill was, perhaps, judicious; it was certainly embarrassing to its opponents. You say that it is important to encourage the manufacture of cotton. Be it so. We know that, however it be disguised, this can be done only at the expense of the other classes of society. Is it not proper to inquire what expense is necessary; what would be adequate? The operation of a protecting duty was simple, but he must detain the House for a few moments upon the subject, trite and familiar as it was. Where duties are laid upon the importation of articles of a kind which is not produced within the country, the additional price which is paid by the community is received into the public treasury, with a deduction only for the costs of collection. Where a duty is laid upon the importation of an article which is produced within the country, it will cause the same rise in its price as in the former case; but, of the additional sum which is paid by the community, a part will be received by the Government and a part by the manufacturer or producer of the domestic article. If, for instance, one hundred million of pounds of sugar were consumed annually in the United States, and three-fourths of this amount were furnished by domestic industry, an additional duty of one cent the pound would cause the consumers of sugar throughout the country to pay one million of dollars more in the price of the article, than

they would otherwise do—would impose upon the people a new tax of one million; but, of this sum, less than \$250,000 would be received by the Government, and \$750,000 by the sugar planter.

The difference between the gentleman from Pennsylvania and himself, in respect to the information on which a tariff should be founded, was explained by this case. He thought, if Congress determined to encourage the production of sugar by an additional bounty, that it was bound carefully to inquire what sum was necessary for this object. To justify the tax, it was necessary to determine that the nation had such an interest in the establishment of the additional sugar plantations to which the bill was expected to give rise, that it was worth its while to contribute annually seven hundred and fifty thousand dollars to their support, and that a contribution of less than seven hundred and fifty thousand dollars would not cause their establishment. If the bounty in question were greater than the value of the object justified, in any rational view of public policy, we applied the money of the country injudiciously; but if a less bounty would produce the effect which we desired, we gave it away without object and without excuse. It was in this view that he had asked the Committee of Manufactures information to show what were the duties upon foreign importation which would give to our manufacturers a reasonable profit on their capital and labor. Every thing beyond this was not a liberal encouragement of manufactures, but a profuse and capricious donation of the public money. Suppose that the seven hundred and fifty thousand dollars which, on the supposition which he had made, were given to the sugar planters, instead of being paid to them by the consumers, were raised by a direct tax, and then paid as a bounty out of the public Treasury. This would form no distinction in the principle of the donation. Mr. Hamilton had said, with perfect correctness, that "as often as a duty upon a foreign article makes an addition to its price, it causes an extra expense to the community for the benefit of the domestic manufacture. A bounty does no more." The information which he had wished was, whether this bounty was to be given to men whose profits and wages were now less than those of the rest of the community; and what were the profits which it was estimated that this bounty would procure them; in a word, how much more public money we should give, and what was the necessity of giving it. The House, in rejecting his resolution, had determined that the inquiry was useless or impracticable. They had refused all evidence as to the proper degree of encouragement, and left the defence of the bill to the same vague considerations which would support a duty of one hundred per cent. as well as one of forty. They took they knew not how much from the people; they gave they knew not how much to the manufacturer.

The chairman of the Committee of Manufactures had intimated that information such as he had asked had never been given. He might answer that it ought to have been. But the chairman was mistaken. It had been. Mr. L. read

H. OF R.

Revision of the Tariff.

APRIL, 1820.

the following sentences from Mr. Dallas's report of 1816, on the revision of the tariff: "The amount of the duties should be such as will enable the manufacturer to meet the importer in the American market upon equal terms of profit and loss." "There still, however, remains a diversity of opinion as to the amount which will be competent, and the aim of this report will be to strike the medium which appears to be best established from all the information which has been collected." This sentence proved that the rates of duty proposed in the report of 1816 were founded on evidence of the degree of encouragement which would enable "the manufacturer to meet the importer." That evidence was laid before the House. It contained, substantially, and indeed much more fully than he should require it, all the information in respect to the state of our manufactures in 1816, which it was the object of his resolution to obtain in 1820. He should have occasion to advert to this information hereafter. It proved at least that the object of his resolution was practicable, and had hitherto been supposed important and necessary.

The practicability of its object, too, although the Speaker had appeared to doubt it, had been proved by the statements which he had made in respect to two Northern manufactures. If the House were determined to give adequate protection to any branch of manufactures, the same kind of information possessed by the Speaker, as to the manufactures of which he had spoken, if extended to fifteen or twenty others in different parts of the country, would enable us to know what bounty was necessary and adequate to their support. That bounty ought not to be increased to maintain the unskilful and the improvident, and he admitted that (if granted at all) it ought not to be contracted so as to afford support only to an establishment which had peculiar advantages beyond the reach of imitation. He did not know, however, of any such in the United States. In examining the degree of encouragement which it is proposed in this bill to give to American manufactures, we were naturally reminded of the view which had been taken of the subject by Mr. Hamilton, whose principles are considered as sound, even by the friends of this tariff. He, at least, was able to elevate his view to the just importance of manufacturing industry. Let us see the price which he proposed to pay for its support. The general tenor of his argument, and indeed the particular quotation which had been made, sufficiently prove Mr. Hamilton's opinion to have been, that, whatever bounties were given to domestic manufactures should be highest at first. The duties, therefore, which he proposed in his celebrated report on manufactures, were such as he thought sufficient then, and such as, according to his principles, ought to be sufficient now. In forming his opinion, he did not overlook the advantages which the risk and expense of importation from abroad give to the American manufacturer. This protection of distance he estimates from fifteen to thirty per cent. Mr. L. said he would state, without a formal comparison, a few of the duties which Mr. Hamilton proposed for the

encouragement of manufactures. On manufactures of leather he proposed a duty of $7\frac{1}{2}$ per cent. He was willing that cotton goods should be "raised to $7\frac{1}{2}$ per cent." On glass, he considered the duty of $12\frac{1}{2}$ per cent. as a considerable encouragement, and thought that, if any thing further were given, it ought to be by a direct bounty out of the public treasury. Ten per cent. on paper and gunpowder he thought a competent protection; and he proposed the same duty on manufactures of iron and brass. His principles were best explained by the application which he had himself made of them; and the enormity of the bounty which it was now proposed to give to the manufacturers could not be more strongly exhibited than by comparing it with that which was considered as adequate by so zealous and able an advocate of manufacturing industry as Mr. Hamilton. Duties four times as great as he recommended were now levied upon many of the most important articles, and were discovered to be insufficient and nugatory.

What he regretted, Mr. L. said, most, in the course pursued by the Committee of Manufactures, was, that they suggested no standard by which the sufficiency of the encouragement which they proposed could be tested, and promised, therefore, no limitation to the burden which might be imposed upon the country. The chairman of that committee had, indeed, more than once directed our attention to the duties imposed by the laws of Russia, France, and England—models which we had not yet learned to imitate. It was not extraordinary that governments which were obliged to drain every resource of revenue, should lay heavier duties upon importation than we had done. There was no part, however, of their system of exaction in which we approached so near them as in our duties upon commerce. In attempting any comparison between their duties and those of the United States, it was obviously necessary to consider the difference of our circumstances.

In estimating the protection afforded to national manufactures by duties upon importation, it was not the absolute amount of duty that constituted a protection to the home manufacturer, in the case in which there was an internal duty upon the article, but only the excess of the foreign over the internal duty. Thus if, in 1786, (before the commercial treaty between France and England,) the duty payable upon the importation of English hardware into France had been fifty per cent., as the internal tax upon French hardware, if his memory did not greatly deceive him, was about thirty per cent. on its value—the true amount of the protecting duty would have been but twenty per cent. The inquirer, then, who should wish to know the real encouragement afforded by foreign duties, must apply to all of them the correction deduced from this principle; and it would probably reduce many of them, which appeared greatly to exceed our own, to an amount less than was exacted even under the present law in the United States.

The high duties of European nations, when they were not counteracted in the manner in which he had mentioned, were mitigated by another cir-

APRIL, 1820.

Revision of the Tariff.

H. OF R.

cumstance, which should not be neglected in an estimate of their burdens. In nations of the same age, not very unequal in the density of population, and in their improvement in the arts, if trade were perfectly free, a large proportion of the necessities of life, including nearly all the coarser manufactures, would be cheapest at home. A duty upon these would, in such countries, be nearly nominal. Among the European nations, too, if trade were free, the whole amount of importations would bear a much less proportion to the whole income of the country than in the United States. He supposed it certain that the importations of England, commercial as she was, were not half as great, in proportion to her income, as were those of the United States at present; nor were our importations now by any means as large, in proportion to our wealth, as in an earlier period of our existence. The duties which we pay now would have been intolerable forty years ago, and European duties, however high, upon the articles imported, do not fall heavily upon the subject, because those articles form but a small part of his expenses.

If he did not exaggerate the deductions, which the considerations which he had mentioned required us to make from the duties of foreign nations, in comparing them with our own, he believed that no people on earth would be found to pay, in proportion to their income, so large a bounty for the support of manufacturing industry as those of the United States. He had not, however, had time to examine the details of the subject with any minuteness.

Unfair as the comparison between the duties of foreign nations and our own must be, unless the corrections which he had adverted to were made, it might well astonish the House to find that there were many articles, and important ones too, our duties on which, as proposed by the bill before the House, might vie with those of France and England, without recurring to any of the considerations of which he had spoken. He would notice a few of them.

In France, machines of all kinds, including ploughs, pay fifteen per cent.; by the proposed bill they will pay here twenty per cent. Wrought anchors pay in France ten francs the hundred kilogrammes; by the proposed bill they will pay here \$3 33 the cwt.—more than three times the French duty. Hosiery is in France two francs the kilogramme; by the proposed bill it will be here thirty-three per cent.

Whatever may be the disposition of England to sustain her manufactures by protecting duties, she has been obliged in her late war with France, by necessity, and not judgment, for the support of her revenue, and not her industry, to make these duties still higher than they were before. But our manufacturers might be gratified by discovering that some of the duties now proposed were higher even than those of England. The superior liberality, at least, of this country can hardly be denied by them. England, assisted by a most rigorous system of collection, has raised her duties, from the necessity of increasing her revenue, by all possible means. The United States propose to raise theirs

with the just conviction that they will impair their revenue.

In England the duty upon cast iron is £26 13 4, the hundred pounds value; by the proposed bill it will be \$1 50 the cwt.; (he supposed about forty or fifty per cent. ad valorem.) Nankeen, for home consumption, is, in England, 32½ per cent. ad valorem. By the proposed bill it will here be forty. Muslins are in England 32½, and cottons, not enumerated, sixty-two per cent. By the proposed bill our duties on these articles will be from 40 to 130 per cent.

Much as such a course of observation had been discountenanced, he must now advert to another topic. What were the duties which would afford to the manufacturers reasonable wages and profits? If, at a time when every interest in the State was depressed, it was right that all the rest should contribute to the support of one, at least it should be only to its necessary and reasonable support. He had before spoken of the evidence laid before the House in 1816. That evidence had led Congress to the conclusion that, where the capital was prudently invested, and the manufactory conducted with common skill, a duty of 25 per cent. on cotton and woollen manufactures would sufficiently protect those of our own country. But the circumstances of the times now make the duty of 25 per cent. much more effectual than it has hitherto been. The appreciation of our money is, in this view, all important. In the specific duties this is obvious. If, for instance, the duty of three cents upon the pound of sugar were a competent protection four years ago, the advanced value of money, of which the same nominal amount would produce much more of every article of consumption, must make it now much higher than is necessary. But even in relation to the articles which pay a duty on their value, if the fall in the value of our produce be greater (as it certainly is) than in the articles which we import from foreign countries; although the nominal duty be unchanged, the real tax is much larger than it was. We still pay six and a quarter cents upon a yard of the coarsest cotton; but the same amount will purchase much more of provisions or labor than it would do formerly. The duty, then, is substantially increased; and if it has hitherto, with exaggerated prices and an unsound currency, proved inadequate, would it not be prudent, now that a change in these circumstances gives to the present tariff its fair operation, to wait the result of that operation?

The depression in the price of property and labor was confined to no section of the country, and to no branch of business. The manufacturer, like the farmer, should estimate his profits, not on the supposed value of his capital four years ago, not on what it then cost, or would have then have sold for, but at the price which it would now cost, or would now sell for. Against this general depression we could not indemnify him; but there was a loss peculiar to manufacturers, from which no Government could insure them, and which many of them felt very severely at this time. While an improvement in machinery is useful to

the country in which it is made, its immediate effect is often greatly to impair the capital of manufacturers. The old machinery must be abandoned. What relief would higher duties give to the owners of manufactories which had not adopted the improved machinery? It might encourage them to struggle a little longer with inferior machinery, but without permanent benefit, even to themselves; it must produce a real waste of the capital and labor of the nation.

Among the causes which at this moment depress the manufacturing industry of the country, one of the most considerable is to be found in that general diminution of income which affects the demand both for foreign and domestic productions. The carriage makers, for instance, suffer probably as much from want of employment as any other class of manufacturers. There is here no foreign competition. It is a distress from which our tariff can give no relief. On the contrary, its effect must be by increasing the expenses, and diminishing, therefore, the clear income of the community, greatly to increase the difficulties of those classes of manufacturers who suffer from a diminished demand.

His friends who had preceded him had referred to instances of manufactories which were prosperous even now, when every other industry was depressed, and particularly to that of an establishment (at Waltham) which was understood to have divided 12 per cent. and reserved a considerable surplus. The Committee of Manufactures, in declining to give any detailed statements upon the subject, had obliged him to resort to the sources of information which were within his reach. He should state to the House the opinion which his inquiries had enabled him to form, and he should state it in the words of a letter written by a man who was as well acquainted with the subject as any other in the United States. [MR. BALDWIN asked the name of the writer, which Mr. L. declined to give:]

"Many manufacturers have been ruined, and many others lost money; but very little reflection and inquiry will make the cause evident. Perhaps the business has been conducted to the best advantage, when, in addition to the want of capital and experience, is added that of incorporated companies, where the principal meaning of the charter is to exonerate each holder of the stock, as well as the president, director, and agents, from individual responsibility for any debts due from the company. Consequently, in all purchases for the establishment, the agent would be obliged to give at least ten per cent. more than the individuals could purchase it on their own responsibility.

"But perhaps a greater cause of loss may be in the general fall in price of every article used by manufacturers, and in all kinds of manufactured goods, whether foreign or homemade, and also in the price of labor and improvement in machinery, compelling those that did not sell immediately on the goods being finished, to make heavy losses, for we suppose it is admitted that the cost of making any goods of which cotton or wool is the article of chief value, is not more than half the cost of making the same goods in 1816."

"In order more clearly to show the consequences of not immediately selling, we give the following example arising in our own business: We supply a maker of candlewick with cotton, and sell all the wick he makes; and, during the year 1818, the business having been good for many years, he, with others engaged in the same business, has accumulated a considerable quantity on hand, which, during the year 1818, had been worth from five to fifty-five cents per pound, when the raw material of cotton was worth from thirty to thirty-three cents, paying the spinner an average of twenty cents the pound for his labor and expenses; but, on the 1st of August last, the same kind of cotton could be purchased in this market at fifteen cents the pound, and the price of the wick had fallen so low as thirty-one cents, but yet paying sixteen cents for the labor and expenses, which, we are convinced, is a profitable business. Hence, on the 1st of August last year, he could afford to sell his wick at what the cotton of his 1818 wick cost him, and at the time we were selling his new made wick at a profit, that made the year before was selling at a loss of the whole cost of making; and many other kinds of American goods have fallen in nearly the same proportion from the same cause, and some still greater from other causes; for instance, we suppose the price of weaving is not at this time more than half as high as it was in 1816, owing to the introduction of power-looms and the general low price of living.

"Next, let us examine the cost of four yards of American brown shirtings, three-quarters of a yard wide, (which may be considered the staple of American cotton goods,) say the present price of cotton is sixteen cents, that will make four yards of shirting: Twelve cents for spinning the same; eight cents for weaving four yards, at two cents per yard; four cents for all other expenses, say commissions, freights, cartages, packages, &c. Added, is forty cents for making four yards, equal to ten cents the yard, and when the same goods are now worth from twelve to twelve and a half cents the yard cash, at auction, leaving a profit to the manufacturer of at least twenty per centum; and when we reflect that the coarsest piece of cotton goods of the same size cannot be imported without paying duty at the rate of six and a quarter cents per yard, equal to \$4 68½ cents, or within about one and a half cents of the whole cost of making the same piece of goods; hence we must be satisfied that foreign competition is very much out of the question, for the lowest rate of duty on any kind of cotton or woollen goods (made to any extent in this country) is twenty-seven and a half per centum on the value at the place of manufactory.

"We do believe that manufacturing establishments well conducted, and the goods immediately sold at auction, have averaged a profit of at least ten per centum during the last two years, when, at the same time, imported cotton and woollen goods have averaged a loss of at least fifteen per centum."

MR. LOWNDES said, that he would say no more as to the degree of additional encouragement which was required by our manufactories.

But he had a few observations to make as to the principles which appeared to have been adopted in the tariff proposed by the Committee of Manufactures.

Among the most objectionable of these was what he considered as the proscription of the East

APRIL, 1820.

Revision of the Tariff.

H. OF R.

India trade, the principal articles afforded by which were subjected to a duty of forty per cent.

The ground of this proscription was, that the East Indies took from us scarcely any article of our produce.

He had occasion on a former day to advert to one of the most interesting branches of this trade—to that in which neither specie nor produce was exported, but in which the enterprise and industry of our seamen formed the capital which a harsh, and, he thought, a mistaken policy would condemn to inactivity. They took nothing from your country; but they explored the most distant seas—they climbed almost inaccessible rocks—they pursued their hardy and dangerous employment between the ports of savage nations, and earned by their freights a capital which fortune had not given them. You would encourage manufacturing industry because it was productive; but the industry of the brave men of whom he spoke created the capital which they brought back to our country. They did not twirl the spindle, or fling the shuttle; but when they brought home a cargo of India fabrics, (peculiarly suited to the wants of the poorest class of our society,) was their industry less worthy of encouragement, because they had made these fabrics on tempestuous seas, or because, in pursuing their own interests, they acquired and perfected the naval excellence which made them our pride and our defence? We gave them the hospitality of our ports; they might take in wood and water, and sail in search of some strange land, from which these products of American industry are not yet excluded! The policy appeared to him unjust and cruel.

But the other branches of the East Indian trade merited encouragement rather than prohibition. He had already spoken of the fallacy which represented a trade to be injurious, in which the imports exceeded the exports; and the East Indian trade furnished a good illustration of the fallacy. It takes, if you please, nothing of domestic produce from us; it gave to the consumption of the country, in the year when he had last examined the subject, an amount of goods to the value of five millions. How were these goods paid for? Specie had undoubtedly been shipped both from America and Europe for their purchase. But our sales of East India articles in foreign countries had exceeded the amount of our purchases in India. Five million of goods then consumed in the United States were paid for by the mere profits of the trade. Three thousand seamen, supported by the requisite capital, added in one year five millions to the clear amount of national income. There was no exportation of our produce to pay for these fabrics, because they were paid for already; they were the acquisitions of American industry.

He would not detain the House by talking of the injury which the Indian trade was supposed to do us by draining our specie. How the purchase of merchandise, either in India or anywhere else, of which we kept the part that we wanted, and sold the remainder for more than we gave for the whole, could lessen the specie which we retained, it would be a little difficult to explain.

Another characteristic of the proposed tariff, is its raising the duty on articles which had been lowered in the act of 1816, because from their small bulk, in proportion to their value, it had been found impracticable to prevent their being smuggled into the country. Watches, jewelry, and laces, had, among other articles, been reduced to seven and a half per cent. The reduction had been proposed by the Secretary of the Treasury, and adopted by the House on this ground. Had any examination into the fact been made by the Committee of Manufactures? They had raised other articles also which were known even at the present duties to have been introduced clandestinely—for instance, coffee from five to six cents, segars, from \$2 50 to \$5. A large class of articles, of which the supply is almost exclusively afforded by the industry of the country, and on which an increased duty if it have any effect at all can only have that of unnecessarily increasing the price, is taxed in the proposed tariff considerably higher than now. Thus, carriages and furniture are raised from thirty to thirty-five per cent.; boots from \$1 50 to \$2; candles from three to five cents; molasses from five to ten cents; nails from four to five; soap from three to four; brown sugar from three to four. He might make the list much longer.

It might have been expected that articles essential to the equipment of ships would have been protected from an increase of duties by a double motive. As materials of our most important manufacture, they were entitled to the favor of the committee; but there was in regard to some of them another reason for light duties—that it was necessary to prevent the practice of ships being sent out imperfectly equipped and completing their equipment in foreign ports. Even under the present duties this was sometimes done. The committee, however, had disregarded both these considerations. As instances of this, iron in bars was raised from seventy-five cents, to \$1 25; iron spikes from three to four; hemp from \$1 50 to \$2 50; tarred cables and cordage from three to four. The tendency of the whole system to discourage our commerce with foreign nations, and by making returns more difficult to sink yet lower the price of every article of our produce, could not be disguised. He would not enlarge upon it; but he could not sit down without adverting to a consideration on which the House could not reflect too seriously.

The best security for the fair collection of the revenue was to be found in the force of public opinion. The activity of our little Navy, if it were to be employed in such a service, would furnish but a poor substitute for it. In the fair collection of the public revenue the interests as well as the principles of our citizens co-operated with the efforts of the General Government. They knew that they must contribute to the support of that Government, and the impost was the easiest mode of contribution; to evade it was to defraud the Government of its dues, and to expose themselves to the necessity of a much more inconvenient contribution. But could it be expected when

the object of duties was not to obtain revenue, but to enhance the profits of a particular class of society, that the same scruples would prevail universally? In purchasing an article intended to be prohibited, the loss would fall upon the manufacturer, who might be considered as the object of unjust and inordinate favor, rather than upon the revenue. The law ought to be obeyed because it was the law. But for himself he had no hesitation in expressing the opinion that the present duties, enforced as they were by a general approbation of their objects, furnished a much better encouragement to the manufacturer than higher duties which should be believed by half the nation to be partial and unjust.

Mr. L. said that he knew he had trespassed quite unreasonably upon the time of the House, but he believed the bill under consideration to be injurious to the Government, oppressive to the people, and dangerous to the stability of manufacturing industry.

Mr. BALDWIN replied to Mr. LOWNDES and others.

Mr. Foor observed, having spent the whole of his life in commercial and agricultural pursuits, and being a practical friend to domestic manufactures, he felt it to be his duty to state the reasons which induced him to move the postponement of this bill to the first day of next session.

Sir, this subject is not only very important, but very intricate, involving the interest of every portion of the community. A radical or very material alteration of a commercial tariff must of necessity produce a sensible shock in every community. It ought never to be adopted without much deliberation, and a careful attention to its effects upon the several interests which must of necessity be affected by any change in the system.

If the Committee of Manufactures had confined their attention to the several articles of foreign manufacture which interfere with our domestic manufactures alone, the bill would have received my vote without any hesitation. But, sir, when it is proposed to alter the whole system, ostensibly for the encouragement of American manufacturers, and proposes, among the first articles, to impose an additional duty of $6\frac{1}{2}$ per centum on the dyeing materials essential to our own manufacture, and increases the duty on the most necessary articles, while it reduces the duty on wines and luxuries; and when we are told by the Chairman that our system of revenue from imports is rotten, and that our dependence on commerce as a source of revenue must be abandoned,—sir, I think we should pause before we rashly adopt a measure calculated—yes, sir, and even avowed as a measure—to prohibit the importation of many articles from which most of our revenue has always been obtained, to the amount of more than three hundred millions of dollars; and when we have been also sarcastically threatened, that if we complained of a duty of ten cents on a gallon of molasses, because of its unequal and partial operation upon the interests of our constituents, that fifteen cents should be imposed. Sir, I think the system, as well as the views of those who advocate it, demand our serious attention.

Sir, gentlemen declare this measure has been requested by the merchants of our country, and that the agricultural interest does not object to it. If, sir, the commercial and agricultural interests of this country had as many Representatives on this floor as there are gentlemen of *one profession* in Congress, you would hear their voice in “tones of thunder” against the passage of this bill. Would they consent to pay direct taxes to the amount of twenty millions of dollars annually? Who must pay your additional duties? The consumers, all will acknowledge: and it has been truly said, that the agricultural interest composes nine-tenths of the whole population. If gentlemen who so strenuously advocate this bill would encourage domestic manufactures, by using them in their dress, rather than those very articles of foreign manufacture which have driven the American manufacturer to ruin, sir, you would afford them more efficient aid than by any legislative provisions.

Sir, it is with a view of affording to those who are interested in this subject an opportunity to be heard, and for a fair investigation of the merits of this bill, (which has been before the public but about one week;) and as at this late period of the session there is not sufficient time to digest and mature a proper system; and with a full conviction that this bill will not aid the manufacturer, but will materially injure the two great interests of agriculture and commerce, and most sensibly affect the revenue of the country,—that this motion is made. And I do hope gentlemen will consent to its postponement until the next session.

I presume a large majority of this House will support the bill for laying duties on sales at auction, which, in my opinion, will afford essential encouragement to the manufacturing interest and the regular merchant, without any material injury to any portion of the country.

But, sir, I am not prepared to give my vote in favor of this bill, which will, in my opinion, materially affect the interests of the agricultural and commercial portion of the Eastern section of the Union, by its unequal operation upon the East India trade, with but a doubtful prospect of benefit to the manufacturer.

It is acknowledged that a general embarrassment pervades every class of our citizens. Repeated calls have been made upon this Committee for information respecting the real situation of the manufacturers, and what encouragement it would be proper to give them. These calls have been met with the assurance that this bill is designed for the benefit of the community at large, as well as the manufacturer. Sir, as I have but little faith in the efficacy of this bill to afford aid to any particular class, or the whole, and as particular returns of the state of manufactures are required to be made by the census bill, it would seem at least but an act of ordinary prudence to postpone this subject until those returns are received.

Mr. SILSBEE, of Massachusetts, made a few remarks in reply to Mr. BALDWIN; when—

Mr. SIMKINS moved that the bill and amendments be postponed until the first day of the next session. In favor of which motion, Mr. HAR-

APRIL, 1820.

Revision of the Tariff.

H. OF R.

DIN withdrew his motion for indefinite postponement.

Mr. PARKER, of Virginia, then demanded the previous question, but the call was not sustained by a majority of the House.

The question was then, about six o'clock, taken on the motion to postpone the bill until the first day of the next session, and was decided in the negative, by the following vote:

YEAS—Messrs. Abbot, Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Ball, Barbour, Bayly, Brevard, Bryan, Buffum, Burton, Burwell, Butler of New Hampshire, Butler of Louisiana, Cannon, Clagett, Cobb, Cocke, Crafts, Crawford, Crowell, Culpeper, Cushman, Cuthbert, Davidson, Earle, Edwards of North Carolina, Fisher, Floyd, Foot, Fuller, Garnett, Hall of North Carolina, Hardin, Hill, Holmes, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Livermore, Lowndes, McCoy, McCreary, Mallary, Mercer, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Virginia, Pinckney, Plumer, Rankin, Reed, Rhea, Richards, Ringgold, Robertson, Settle, Silsbee, Simkins, Slocumb, B. Smith of Virginia, Smith of North Carolina, Strong of Vermont, Swearingen, Terrell, Tucker of Virginia, Tucker of South Carolina, Tyler, Upham, Walker, Whitman, Williams of Virginia, and Williams of North Carolina—79.

NAYS—Messrs. Adams, Allen of N. Y., Baker, Baldwin, Bateman, Beecher, Bloomfield, Boden, Brown, Brush, Campbell, Case, Clark, Cook, Culbreth, Darlington, Dennison, Dewitt, Dowse, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Ervin, Folger, Ford, Forrest, Fullerton, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hall of Delaware, Hazard, Hemphill, Hendricks, Herick, Hibshman, Heister, Hostetter, Kendall, Kinsey, Kinsley, Little, Linn, Lyman, Maclay, McLane of Delaware, McLean of Kentucky, Marchand, Mason, Meigs, Metcalf, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Newton, Parker of Massachusetts, Patterson, Phelps, Philson, Pitcher, Rich, Richmond, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Shaw, Sloan, Smith of New Jersey, Smith of Maryland, Southard, Stevens, Storrs, Street, Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Trimble, Van Rensselaer, Wallace, Wendover, and Wood—92.

The amendments reported from the Committee of the Whole to the said bill, were then concurred in by the House.

Mr. NELSON, of Massachusetts, moved further to amend the bill, by adding to the end of the first section the following proviso:

“Provided, That no goods, wares, or merchandise, which shall be imported into the United States, on or before the 30th day of April, 1821, if from places beyond the Cape of Good Hope; or, on or before the 31st day of October next, if from places not situated beyond the Cape of Good Hope, in vessels that sailed from the United States before the passage of this act, shall be subjected to any higher duty than is required by laws now in force.”

And, on the question to agree to amend by adding the said proviso, it was determined in the negative.

Mr. SILSBEЕ moved further to amend the said bill, by striking out the word “June,” in the third

line of the printed bill, and, in lieu thereof, to insert “September,” so as that the said bill commence and be in force from and after the 30th day of September, 1820, instead of the 30th of June, 1820.

This motion was rejected by the House.

Mr. EDWARDS, of North Carolina, then moved further to amend the bill, by reducing the duty on salt imported, from twenty-five cents per bushel to twenty cents per bushel.

The yeas and nays being ordered on this question, Mr. METCALF moved the previous question, (the effect of which would be to decide forthwith the main question, viz. the engrossment of the bill for a third reading;) but the call was negatived—71 to 60.

The question was then taken on reducing the salt duty, and decided in the affirmative, by yeas and nays—For the amendment 93, against it 71, as follows:

YEAS—Messrs. Adams, Alexander, Allen of Tennessee, Archer of Maryland, Archer of Virginia, Ball, Barbour, Bayly, Buffum, Burwell, Butler of New Hampshire, Cannon, Clagett, Cobb, Crafts, Crawford, Crowell, Culbreth, Culpeper, Cushman, Cuthbert, Davidson, Earle, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Edwards of North Carolina, Fisher, Floyd, Foot, Forrest, Fuller, Fullerton, Garnett, Hall of Delaware, Hall of North Carolina, Hazard, Hemphill, Hibshman, Heister, Hill, Holmes, Hooks, Johnson, Jones of Virginia, Kendall, Kent, Kinsley, Linn, Livermore, McCoy, McCreary, Mallary, Mason, Mercer, Morton, Moseley, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Massachusetts, Phelps, Plumer, Rankin, Reed, Rhea, Rich, Richards, Rogers, Russ, Sampson, Sergeant, Settle, Silsbee, Simkins, Slocumb, B. Smith of Virginia, Smith of North Carolina, Southard, Strong of Vermont, Swearingen, Terrell, Tomlinson, Tompkins, Tucker of Virginia, Tucker of South Carolina, Tyler, Upham, Whitman, Williams of Virginia, Williams of North Carolina, and Wood.

NAYS—Messrs. Allen of New York, Anderson, Baker, Baldwin, Bateman, Beecher, Bloomfield, Boden, Brown, Brush, Bryan, Butler of Louisiana, Campbell, Case, Clark, Cocke, Cook, Darlington, Dennison, Dewitt, Dowse, Folger, Ford, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hardin, Hendricks, Herick, Hostetter, Jones of Tenn., Kinsey, Little, Lowndes, Lyman, Maclay, McLane of Delaware, McLean of Kentucky, Marchand, Meigs, Metcalf, R. Moore, S. Moore, Monell, Murray, Newton, Parker of Virginia, Patterson, Philson, Pitcher, Richmond, Robertson, Ross, Sawyer, Shaw, Sloan, Smith of New Jersey, Smith of Maryland, Stevens, Storrs, Street, Strong of New York, Tarr, Taylor, Tracy, Trimble, Van Rensselaer, Wallace, and Wendover,

Mr. HILL, of Massachusetts, moved to amend the bill by reducing the duty on imported molasses from “ten” cents to “five” cents a gallon; on which motion the yeas and nays were ordered.

Mr. PARKER, perceiving that all the amendments which had been discussed and rejected in Committee of the Whole would probably be again offered, and the time of the House occupied in the tedious process of deciding them again, by

H. OF R.

The Navy.

APRIL, 1820.

yeas and nays, moved again for the previous question.

The call for the previous question was sustained by a vote of 86 to 62; and the previous question, "Shall the main question be now put?" was stated accordingly, and was decided, by yeas and nays, in the affirmative—yeas 92, noes 71, as follows:

YEAS—Messrs. Abbot, Alexander, Allen of New York, Allen of Tennessee, Archer of Maryland, Archer of Virginia, Baker, Baldwin, Ball, Barbour, Beecher, Bloomfield, Boden, Brown, Brush, Bryan, Burton, Butler of Louisiana, Campbell, Cannon, Clark, Cobb, Cocke, Cook, Crawford, Crowell, Darlington, Davidson, Dewitt, Dowse, Earle, Ervin, Fisher, Floyd, Folger, Ford, Garnett, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hall of Del., Hendricks, Hibshman, Hooks, Hostetter, Kent, Kinsey, Little, Lowndes, Lyman, McCoy, McLean of Kentucky, Marchand, Mason, Metcalf, R. Moore, Monell, Murray, Parker of Virginia, Patterson, Phelps, Philson, Pitcher, Rankin, Rhoads, Rich, Richmond, Rogers, Ross, Settle, Sloan, Smith of New Jersey, B. Smith of Virginia, Smith of North Carolina, Stevens, Street, Strong of Vermont, Tarr, Taylor, Terrell, Tompkins, Trimble, Tucker of South Carolina, Tyler, Van Rensselaer, Wallace, Wendover, and Williams of North Carolina.

NAYS—Messrs. Adams, Anderson, Bateman, Bayly, Buffum, Burwell, Butler of New Hampshire, Case, Clagett, Crafts, Culbreth, Culpeper, Cushman, Cuthbert, Dennison, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Edwards of North Carolina, Foot, Forrest, Fuller, Fullerton, Hall of North Carolina, Hardin, Hazard, Hemphill, Heister, Hill, Holmes, Johnson, Jones of Tennessee, Kendall, Linn, Livermore, Maclay, McCreary, McLane of Delaware, Mallary, Meigs, Mercer, S. Moore, Morton, Moseley, Neale, Nelson of Massachusetts, Newton, Overstreet, Parker of Massachusetts, Plumer, Reed, Robertson, Russ, Sampson, Sawyer, Sergeant, Shaw, Silsbee, Simkins, Smith of Maryland, Southard, Storrs, Strong of New York, Swearingen, Tomlinson, Tracy, Tucker of Virginia, Upham, Whitman, Williams of Virginia, and Wood.

The said main question was then put, to wit: Shall the bill be engrossed, and read a third time? and passed in the affirmative—yeas 90, nays 69, as follows:

YEAS—Messrs. Adams, Allen of New York, Baker, Baldwin, Bateman, Beecher, Bloomfield, Boden, Brown, Brush, Campbell, Case, Clark, Cook, Darlington, Dennison, Dewitt, Dowse, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Ervin, Fay, Folger, Ford, Forrest, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hall of Delaware, Hazard, Hemphill, Hendricks, Herick, Hibshman, Heister, Hostetter, Kendall, Kinsey, Kinsley, Little, Linn, Lyman, Maclay, McLane of Delaware, McLean of Kentucky, Marchand, Mason, Meigs, Metcalf, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Newton, Parker of Massachusetts, Patterson, Phelps, Philson, Pitcher, Rich, Richmond, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Shaw, Sloan, Smith of New Jersey, Southard, Stevens, Storrs, Street, Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Trimble, Van Rensselaer, Wallace, Wendover, and Wood.

NAYS—Messrs. Alexander, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Ball, Barbour, Bayly, Bryan, Buffum, Burton, Burwell, Butler of New Hampshire, Butler of Louisiana, Cannon, Clagett, Cobb, Cocke, Crafts, Crawford, Crowell, Culbreth, Culpeper, Cushman, Cuthbert, Davidson, Earle, Edwards of N. C., Fisher, Floyd, Foot, Fullerton, Hall of North Carolina, Hardin, Hill, Holmes, Hooks, Johnson, Jones of Tennessee, Kent, Livermore, Lowndes, McCoy, McCreary, Mallary, Mercer, Neale, Nelson of Massachusetts, Overstreet, Parker of Virginia, Plumer, Rankin, Reed, Rhea, Robertson, Settle, Silsbee, Simkins, Slocumb, B. Smith of Virginia, Smith of North Carolina, Swearingen, Terrell, Tucker of Virginia, Tucker of South Carolina, Tyler, Whitman, Williams of Virginia, and Williams of North Carolina.

The House then (having rejected ten or twelve previous motions to adjourn, at various stages of the evening proceedings) adjourned between 7 and 8 o'clock, after a sitting of more than nine hours.

SATURDAY, April 29.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill for the relief of the legal representatives of Conrad Laub, deceased; which was read twice, and committed to a Committee of the Whole.

Mr. MCCOY moved that the House do now proceed to consider the bill from the Senate, entitled "An act for the relief of John H. Piatt;" which motion was rejected by the House.

The amendment proposed by the Senate to the bill, entitled "An act for the benefit of Christopher Miller," was read, and concurred in by the House.

The House took up the amendment of the Senate to the bill concerning the banks of the District of Columbia.

Mr. MERCER moved that the House disagree to the amendment; which motion was negatived; and then the House agreed to the amendment of the Senate without a division.

The bill from the Senate granting certain privileges to the Ocean Steamship Company, of New York, was read a third time.

The bill was opposed by Mr. MCLEAN, of Kentucky, who moved to recommit the bill, and by Mr. FOOT, and was supported by Messrs. GROSS, of New York, and NEWTON; and after some remarks from Mr. SMITH, of Maryland, who wished further time to examine the bill; it was recommitted.

THE NAVY.

Mr. WILLIAMS, of North Carolina, rose, and said he should take the liberty to submit to the House several propositions growing out of the vote last evening on the tariff bill. If that bill passed into a law, of which he thought there was little doubt, since the vote had been taken, a radical, a total change would be effected in the system of policy heretofore pursued. It appears to me, sir, that we have been happy, that we have flourished, in a pre-eminent degree, under the operations of the system so much reprobated by the

APRIL, 1820.

The Navy.

H. OF R.

friends of the new tariff. In lieu of a tax on consumptions, we must, it seems, now resort to a system of internal taxation. The gentleman from Pennsylvania, (Mr. BALDWIN,) under whose auspices this bill was ushered into the House, and carried through with a triumphant majority, had always been favorable, if he was not mistaken, to a system of internal taxation. That gentleman voted against the repeal of the internal duties, when a longer continuance of them was manifestly unnecessary, and when the President had recommended their abolition. But without the former votes of the gentleman, the whole of his present project is evidence unequivocal to my mind that he wishes to re-establish a system of internal taxation.

The gentleman had distinctly said that the system of revenue which was now in operation had been tried; that it had failed; and that we must change it. Mr. W. said he was not disposed to think or to act with the gentleman from Pennsylvania; that he denied to the gentleman the force of his argument, founded upon the inadequacy of our present system. But admitting it to be inadequate, Mr. W. denied the propriety or policy of such a remedy as that gentleman proposed. Sir, said he, what is the real cause of the deficit in the revenue? Is the deficiency owing to any fault in the system itself, or does it proceed from the enormous expenditures of money? I say it boldly, and without fear of contradiction, that the beggared condition of the Treasury arises from the improper expenditures of money, and not from any fault in the revenue system. The friends of the present revenue system have not been disappointed. It has produced all the good they expected would result from it at the time it was adopted. But, sir, many heavy expenditures have since been authorized, and which were not contemplated at the period the system was adopted. This is the real cause of the insufficiency of funds in the Treasury.

No doubt a portion, and perhaps a serious portion, too, of the failure arises from the present deranged state of the circulating medium; and this is no fault of the system; and notwithstanding all these embarrassments, it would have answered every purpose, provided the expenditures had not been unreasonable and improper. The gentleman from Pennsylvania, however, had uniformly opposed, Mr. W. said, every effort to retrench, to economise, and to save the public money. So far, then, as the gentleman from Pennsylvania was concerned, the deficiency of revenue had been owing more to the course of policy pursued by him in this House than to any defect in the system. The system, Mr. W. repeated, had not failed; it had answered every purpose contemplated by its friends at the period of its adoption. But the Congress of the United States had failed, if there was failure anywhere. They had authorized excessive expenditures, not contemplated. Had the Army been reduced, as often proposed in this House, there would not now be a deficiency of money in the Treasury. But the gentleman from Pennsylvania had opposed, at all times, any

reduction of the Military Establishment. Not only so, but the gentleman had opposed every attempt to reduce the expenditures appertaining to the Army. Even the Yellow Stone Expedition, condemned by the deliberate judgment of this House, as not only useless and expensive, but dangerous, the gentleman supported by his vote.

Mr. W. said it was a source of some little consolation at least, that, if the tariff bill went into operation, the Army would be reduced as a matter of course. It would, in that state of things, be less necessary than it had been, and its most determined advocates in this House would not any longer be able to sustain it. In any difficulties we might calculate on with Spain, there appeared to be no occasion for the Army in its present size. But thinking the reduction of the Army would ensue, as a matter of course, upon the passage of the tariff bill, he should not say any thing more on the subject; nor had he provided any resolution specifically for that object. The next branch of public expenditure rendered wholly unnecessary, if the bill should pass, was the appropriation for the gradual increase of the Navy.

Sir, it is proposed that we adopt a Chinese policy; that we shall always stay at home, and never go abroad. Of what use, then, can be your Navy? The Navy was created to defend your maritime and commercial rights. If you have no commerce of what use can be your Navy to defend the very rights which you have declared you will not exercise? Mr. W. said he would never agree to tax his constituents, in the first place, to support manufacturing establishments, and then to support an army and a navy, rendered wholly useless and unnecessary by the policy proposed to be pursued.

Mr. W. said, further, that, when the commercial interest suffers; when their rights are invaded, petitions flow in upon us; are referred to the Committee on Commerce, and by that committee are duly considered. If any law is necessary to provide for the commercial interests, the committee report a bill, and it is passed into a law. Thus, the commercial interest is guarded and defended. At this session we have, also, a distinct Committee on Manufactures. The mass of petitions and documents laid on our tables, and, above all, the bills reported by the gentleman from Pennsylvania, tend to show the great vigilance with which the manufacturing interest is guarded. Gentlemen say that there are, in this country, three interests, the agricultural, commercial, and manufacturing. And how happens it, sir, that the agricultural, the great leading and substantial interest in this country, has no committee—no organized tribunal in this House to hear and determine on their grievances? If the commercial or manufacturing interests are affected, the cry resounds throughout the country; remonstrances flow in upon us; they are referred to committees appointed for the purpose of guarding them, and adequate remedies are provided. But, sir, when agriculture is oppressed, and makes complaint, what tribunal is in this House to hear and determine on the grievance?

H. OF R.

The Army.

APRIL, 1820.

Now, I suppose agricultural petitions could not be referred to the Committee on Manufactures! The policy pursued by the gentleman from Pennsylvania, who is at the head of that committee, shows you that agriculture can get nothing from manufactures. Let us, then, have a distinct and separate committee on agriculture, to hear and determine on the grievances of which that interest may complain. Sir, I wish to hear the agricultural voice of the country; let the farmers and planters speak. They constitute an interest which to all other interests is as ten to one, twenty to one, or one hundred to one. They are patient and long suffering, they will bear a great deal without murmur or complaint. But there is a point beyond which they cannot bear. Beyond that point I fear we are about to go. For the purpose, therefore, of having some tribunal before whom the agricultural interest may appear, I shall submit a resolution to establish a committee on that subject. They are the majority, they have a right not only to be heard, but to control. Oppress them only a little longer, and they will rise in the majesty of their strength; they must and will demand suitable relief. Mr. W. concluded by offering the following resolutions; which were read:

Resolved, That the Committee of Ways and Means be instructed to report a bill repealing any law or laws making appropriations for the increase of the Navy of the United States.

Resolved, That the Committee of Ways and Means be instructed to report a bill calling home the squadron in the Mediterranean sea.

Mr. WILLIAMS submitted, also, the following resolution to amend the rules, which lies on the table one day of course:

Resolved, That an additional standing committee be appointed, to be denominated "The Committee on Agriculture."

THE ARMY.

Mr. FLOYD, of Virginia, rose and said, he was glad to see the course taken by his friend from North Carolina. His intention was to offer another resolution, pressing the same object still farther. Mr. F. had no hesitation in saying, that if the present tariff passed, from the effects he believed it would produce upon the country, that it would cause a radical change in all his opinions, as it regarded the Army and Navy of the United States. He felt it due to himself to say, that heretofore he had been friendly to the Army and Navy; but would rather dispense with both than oppress the country with a system of excise and taxes. He knew there was, some time ago, a political party in the United States, who thought that method most wise and best, of supporting the Government, which looked to direct taxes; but he was not one of that number; his antipathy to that system was still the same. The motion, therefore, which he was about to submit, proceeded from a strong conviction, that, unless we reduced our expenditures in this way, this oppressive and ruinous system, which we are threatened with, must very shortly be brought into operation, which will require at least

eight or ten millions annually of direct tax—a sum which the community, in times of greater prosperity, could not bear, and, in these times of difficulty and distress, cannot be paid unless by a sacrifice of property, perhaps at less than a fifth of its value.

Mr. F. believed the revenues of the country would, for several years, be less and less; that each year would show a still greater deficit, until the trade of the world settled down to the proper point, which the wants and situation of all would ultimately determine. Whilst a navy could be of no use to us, having no commerce to protect, as we were about to become a nation of weavers, he could not think it necessary to retain that which formed so large a part of our expenditures. A few small vessels, to protect our coasting trade, whilst they took their manufactures to the South, and returned with cargoes of cotton, might be useful; more was unnecessary and burdensome, and must in a short time decay, and, with the tonnage of the country, disappear.

The Army, Mr. F. said, which likewise formed so large a portion of our expenses, could with much propriety be dispensed with. A few, very few, were necessary to take care of the fortifications which might be now finished, or which, by existing contracts or appropriations, may soon be so. The defence of every country, Mr. F. said, depended upon the security of a few important points, leaving the intermediate parts to be protected by movements from these points; though now, he believed, there would be still less cause to apprehend any thing from contact with other nations, as we were about to become manufacturers.

Mr. F. said, he did not see the necessity of an excise and direct taxes at the present time, particularly as the friends of the present measure seemed disposed to adopt the Chinese policy; an army and navy, under such circumstances, could only serve to remind us of what we once were. If there was war, or any necessity of the country, not resulting from a measure of our own, at this time, knowing it to lead directly to a system of internal taxation, he would vote for a tax as high as any gentleman would desire; but, when no necessity, in his opinion, did exist, he was averse to any thing of the sort. The particular distresses of the country, instead of prompting to impositions upon the people, required, in his opinion, great care and economy in the management of affairs, to avoid necessity for any new demands. He could not see the wonderful benefits which were to result to this people, from this Government, when they were made to feel heavy burdens to support an army and navy, which could have no other employment than protecting the weavers. This country, said Mr. F., is unlike any other; the General Government can have no subject of expense, but such as is truly national; an army, a navy, the civil list; the commerce of the country in time of peace, ought, if possible, to pay that expense, and not harass the citizen with two systems of taxation. If things were permitted to remain, the revenue of the country, with proper

APRIL, 1820.

Revision of the Tariff.

H. OF R.

economy, would be, as it ought to be, equal to all the demands upon the Treasury. Mr. F. repeated, that in offering this resolution, he had no feeling hostile to the Army or Navy, but was actuated by a desire alone to reduce the expenditures of the nation, that if possible, the heavy taxes with which we were threatened, by the friends of the tariff, might be avoided. He said he had still a hope that this bill, fraught with evil, which he conceived it to be, which he saw would inevitably pass this House, would be arrested elsewhere. Mr. F. then submitted the following resolution, which was, on his motion, laid on the table:

Resolved, That the Committee on Military Affairs be instructed to report a bill, reducing the Army of the United States to six thousand men, to consist of a due proportion of infantry, artillery, and riflemen.

REVISION OF THE TARIFF.

The engrossed bill to regulate the duties on imports and tonnage was read the third time.

Mr. BALDWIN remarked, that it would be recollected the bounty on pickled fish exported had been increased in Committee of the Whole, in consequence of an increase of the duty on imported sale—the duty on salt had subsequently been reduced, but it had been omitted at the same time to make a corresponding change in the bounty on pickled fish. He presumed there could be no objection now to make this amendment, and moved that the House agree thereto by general consent, (by which only an amendment can be made to a bill in the House on the third reading.)

The motion was objected to, and of course failed.

Mr. RHEA then rose and spoke about an hour against the passage of the bill.

Mr. SLOCUMB, of North Carolina, moved to recommit the bill, with instructions to reduce the duty on imported iron in bars, &c., from \$1 25 to 75 cents per hundred weight.

This motion produced a debate of considerable duration, touching occasionally on the general merits of the bill, as well as on the expediency of committing the bill for the purpose proposed.

The motion to recommit the bill was advocated by MESSRS. SLOCUMB, PINCKNEY, SILSBEE, MERCER, NELSON, of Massachusetts, MORTON, SMITH, of North Carolina, LIVERMORE, FLOYD, HOLMES, and FOOT, and was opposed by MESSRS. KINSEY, SMITH, of Maryland, BALDWIN, STORRS, SERGEANT, and GROSS, of New York. The debate continued until about four o'clock.

Mr. KINSEY, of New Jersey, addressed the House as follows—

Mr. Speaker: Did I believe this item of the bill was either partial in its operation, or local in its effects, I should not, at present, oppose the motion; but, believing, as I do, that the increase of duty, as contemplated by the bill, is not more than necessary for the protection of one of the most valuable of our manufactures, I am necessarily compelled to oppose every attempt to withdraw from them that fostering protection they, at this time, so much require, to preserve those that are partially in operation, and resuscitate those that have gone to de-

cay. The question, whether we shall give efficient protection to our manufactures of iron, is not confined to local or sectional districts, but spreads itself over the whole continent. Nature has extended the iron region through every State in greater quantity and superior quality than to any other portion of the globe; and it belongs to us, as the depository of the nation's highest interests, to seize the present opportunity to call into operation the dormant resources which a mistaken policy has discouraged in some instances, and in others neglected, to give energetic efficiency to this branch of national industry, so essential to our strength, wealth, and independence. "To be independent for the comforts of life, we must fabricate them ourselves," is a maxim of one of our greatest statesmen; it is a principle of national economy, self-evident, and admits not of a doubt; and yet, whilst the quantity made in the country is lessening, and our importations have very considerably increased, we are told no further protection is necessary; and several gentlemen from Massachusetts, with great plausibility of reasoning and apparent accuracy of calculation, have given you the cost of making a ton of bar iron, and, with the ore brought from New Jersey, have stated the cost at less than fifty dollars a ton; whilst, on the other hand, gentlemen of unimpeachable veracity, knowledge, and integrity, and, on a former occasion, under the sanctity of an oath, declared, that, in New Jersey, it cannot be produced under one hundred dollars per ton. Another gentleman from Massachusetts, denying all local prejudices, undertakes to show the impolicy of increasing the duty on iron, as it must operate against the interests of his constituents, in manufacturing nails, sprigs, and brads; forgetting that, on a former occasion, the duty was raised on sprigs and brads, on his own motion, from three cents per pound to five cents per thousand, equal, on sprigs of one thousand to the ounce, to eighty cents per pound, being an increase of seventy-seven cents per pound. This was again introduced into the present bill, and carried by a large majority. In answer to those gentlemen who contend that the manufacture of iron is a productive one, and, as some have attempted to prove, the most profitable of any other, I would call their attention to the quantity annually imported, and the decayed and dilapidated state of the works which, to the capitalist or adventurer, are like beacons to warn all from embarking in undertakings wherein so many have been shipwrecked, and where the mouldering monuments of political errors deter the industrious adventurer from a pursuit which has involved in loss and bankruptcy three-fourths of the individuals engaged in those useful and necessary establishments. Those districts which may be properly called the iron districts, and which for many years have supported a hardy, industrious, and enterprising race, have in a manner become depopulated, and where the busy hum of industry spread happiness and plenty, now meagre misery and want have usurped the place.

To those who contend that the protection contemplated by the present bill will eventually amount

H. OF R.

Revision of the Tariff.

APRIL, 1820.

to a prohibition, and, by a course of reasoning (which I confess myself incapable of understanding) undertake to prove the present protection is too high, I have only to answer, we have imported the last year twenty thousand tons, and the present duty, though increased from forty-five to seventy-five cents per hundred weight, has had no effect in increasing the price to the consumer, decreasing the revenue, or lessening the quantity imported, which has continued to increase as our own has diminished. Thus, it is evident, contrary to the reasoning and cases stated by gentlemen, we are annually becoming more and more dependent on Europe for an article the most essential to our comfort, safety, and independence.

In travelling through those districts where once a brave, rugged, enterprising population thronged along those streams and rivers that propelled the works, and, by their productive labor, added to the national strength and wealth, a vigorous activity was manifest on every side, whilst increasing prosperity stamped cheerfulness on every countenance. At present, the withering blight of foreign competition has destroyed establishments which, for half a century, have been progressive, but, at present, are wholly abandoned, and we have become dependent on the industry of Europe for two million dollars of an article which could have been produced from our own mines and mountains by that labor which has been lost to the nation, and thousands of individuals, in place of being profitably employed, are, at present, burdensome to the community, and an industrious race of men have been forced from the place of their nativity, poor and penniless, to seek a subsistence in other districts, and by other avocations. Their knowledge in that art in which alone they were acquainted has become useless to themselves, and lost to the nation. Capitals to the amount of millions have sunk from society, which can never be restored. Thus has one of our most useful branches of industry been sacrificed at the shrine of commercial cupidity, whose advocates, not satisfied with those offerings which continue to paralyze the industry of the country, still insatiate cry, give! give! and tell you, by increasing duty on iron you increase the expense of ship building, on which they are desirous to make profit. Why will not gentlemen apply the same principles and doctrines in this as in other branches of labor, and buy their ships where they can procure them the cheapest? Must the whole interest of the nation continue to be taxed to support this commercial mania? It is time for this Government to turn its attention to those inestimable establishments resting on terra firma, which will lay the permanent basis of our future greatness and power on the solid foundation of national industry. Too long has this unsubstantial vision of commercial advancement misled the nation. She deserted, after leading us into a war; she will disappoint our expectations now we are at peace: yet, by her meretricious arts, she seeks to engross the whole of Governmental patronage, whilst the National Legislature, with maternal solicitude, seeks to shield her alone from all foreign competition. I fear the attempt will be

a vain one, for, like the unstable element on which she rests, she will always continue to cast up mire and dirt. Is Government petitioned to aid the manufactures of the country—the friends of commerce exhibit to our view the wretched situation of the manufactures of England, and the gentleman from Massachusetts has, with a glowing figure, represented them by the type of hell itself. When commerce is spoken of, we are again presented with the picture of the fast-anchored isle as all-powerful and prosperous, and as the anchor of the world's last hope.

From whence originates this national sensibility to rights maritime, and this astonishing apathy to questions of the highest interest? Let the least fibre of our commercial interests be but approached, and the whole seaboard is roused as by touch electric; but when a policy is silently pursued, by which millions of capital are lost to the nation, and thousands of individuals reduced to bankruptcy and want, and whilst ruin is advancing with accelerated pace, the most stoical indifference is manifested, and many gentlemen have manifested more ingenuity in defining and describing the causes of the failures of manufactories, than they have discovered solicitude in seeking a remedy for the evil. The want of capital, the derangement of business on the withdrawal of the circulating medium—those causes had an effect; but the real cause was the want of support against foreign competition. The want of capital is disproved by the solicitude for loans and the low rate of interest: it arises not from the want of capital, but the uncertainty of returns of capitals employed. Was confidence restored to those branches of industry, capital would again revert to those channels which formerly presented a certain and most profitable return. What, then, is our present situation, and what can be done to call into operation the dormant resources of the country? Capital cannot, with any prospect of success, be employed in commerce, from the universal loss that has followed every species of foreign adventure; it cannot be employed in agriculture with any prospect of success, from the uncertainty of foreign demand; and the prospect of hope is barred in the channel of manufactures, from the threatened ruin awaiting them from foreign competition. We cannot, by any act, increase the demand for our surplus agricultural productions, as that must depend on the necessities of foreign nations. We cannot extend foreign commerce, as that depends on the caprice and contingencies of foreign Governments. But we can, and it is a duty incumbent on us, to call into operation millions of dormant, sunken, unproductive capital, already vested in the decayed and dilapidated manufactories of our country. Confidence restored to those once profitable establishments, the capitals retired from commerce and the unproductive labors of agriculture will find a sure and profitable employment; will, through this channel, return and give activity to national industry.

Notwithstanding the improved state of manufactures in England, Adam Smith has proven agriculture to be the most sure and profitable return of capital, as it is the only branch of labor

APRIL, 1820.

Revision of the Tariff.

H. OF R.

over which she has control; not producing sufficient for her own subsistence, she is enabled to fix a standard value to the productions of this species of industry by her corn laws. The example of Britain, as it regards agriculture, is presented to us in manufactures; it is with us the only branch of industry to which we can give energy and efficiency, and over which we can, for many years, possess a powerful control. At the same time we give to the home trade increased activity and power, which is at all times the most lucrative and certain portion of our commerce. As in the trade with foreign nations, founded on reciprocity, the profits must be divided; therefore, one half the profits on the labor necessary to produce the article of exchange goes to the foreign merchant. Whereas, in exchanges between one State and another, the whole profit is saved to the country. Further, the capital required to carry on a foreign trade must always be greater than that necessary for the home trade, as the returns must be much slower, requiring in some instances one or two years; whereas, the home trade gives six or twelve returns in the same time. Thus, if the capitals are equal, the home trade will give twelve or even twenty-four times more encouragement to the industry of the country than the foreign trade; or, the one-tenth of the capital employed in the home trade will be more productive than ten times the same amount in foreign trade. This reasoning is proven to be correct by the situation of our country during the period of embargo, non-intercourse, and war. During the year 1814, when the exports, foreign and domestic, were short of seven millions, the price of all agricultural productions was more than double the price the last year, when our exports exceeded seventy millions. During the period first alluded to, an increased activity was given to internal industry; labor of all kinds was in demand and amply compensated; and, though foreign commerce was prostrate, the price of land and all kinds of agricultural productions was fifty per cent. above the year 1819, when an universal torpor seems to pervade every section of the country, and a paralysis has seized on all kinds of business and industry. The sympathy expressed by the advocates of commerce, for the interests of agriculture, is wholly unnecessary. The great agricultural States of New York and Pennsylvania, ever attentive to their true interests, and well acquainted with the sources of their wealth, have instructed their representatives to protect manufactures. The States of Ohio and New Jersey have unanimously done the same. Let us not be told that the agriculturist is opposed to manufactures; it is a libel on that noble and patriotic portion of the community. When did the farmer shrink from any deprivation or danger when the independence of his country was the stake to be contended for? Are the important events in our history so soon forgotten? In the last contest for our rights, maritime war, with all its evils, sacrifices, and deprivations, was submitted to, and met with a cheerfulness and dignity characteristic of the nation. The pride of independence, the hope of future prosperity, in imagination, painted some future good beyond the horizon

of present ill; he was willing to sacrifice the expense of personal enjoyment for the gratifying triumph of national superiority, conscious he would sink more sweetly to the grave by leaving to his children the inheritance of liberty.

Sir, we are legislating for the same proud, calculating, brave yeomanry now, who are fully competent to estimate every act that increases the national strength or advances their future prospects. The friends of manufactures ask no sacrifices; they are alone solicitous to recall into operation millions of dormant sunken capital, which, whilst it recalls into active operation the paralyzed industry of the country, calls for the development of the sources of national wealth. The object of the present tariff is to make this country independent of the world, to lay the foundations of its future greatness on the solid basis of its own internal strength, and, from the profitable employment of the labor of the country, create durable riches. Keep firmly to your purposes and the voice of the Republic will sanction the act. By such a course of policy we disconnect ourselves from the entangling alliances of Europe, and become what we ought to be, a nation truly American. These observations were necessary, in answer to the several gentlemen who have endeavored to prove the interest of manufactures adverse to agriculture. But, with respect to the question immediately before the House, the increase of the duty on iron, it may be necessary to advert to the progress of the manufacture of that precious metal in other countries.

In Russia, from whence we derive our largest supply, when Peter the Great came to the empire, he found the iron manufactories in the possession of British agents, and the trade almost wholly monopolized by English merchants. Indignant at an usurpation so detrimental to the interests of his empire, he descended into the mines; he explored and estimated the advantages of those inexhaustible sources of wealth; he became a practical workman at the forge-hammer; he appropriated to the nation the wealth previously usurped by foreigners; and, in the short space of twenty-five years, was enabled, after supplying the wants of the nation, to export to England alone, and on account of Russian merchants, forty thousand tons of bar iron. About this period, Great Britain had ceased, in a measure, to make bar iron, and, from the apprehension of the destruction of the timber in the vicinity of the iron works, by various acts of Parliament, prohibited the making of iron within twenty miles of London, thirty miles of the Thames, and in a number of the counties throughout the kingdom; so that, thirty years ago, England manufactured not more than eighteen thousand tons of bar iron. But when it was discovered that, by a chemical preparation, the coal of her mines could be appropriated to the making of iron, her works increased to that extent, that she now is capable of manufacturing 300,000 tons annually. The history of this important manufacture, as now cited, and the progress it has made in those countries, ought to be the policy of this Government. The value and importance of the article is too well understood to undertake to prove it; suffice it to say,

H. OF R.

Revision of the Tariff.

APRIL, 1820.

that, in a national point of view, it is essential to our independence and safety; individually, it is indispensable to the existence of civilized society. It now becomes necessary to show the former and present situation of those manufactories whose languishing condition threatens their total overthrow; also, that, with a proper encouragement, the works already erected are capable of furnishing a supply for the consumption of the country.

In 1810, according to Cox's tables, there were one hundred and forty furnaces in the United States; producing fifty-three thousand five hundred and forty tons per annum; equal in value to - - - - - \$3,457,876

The number of forges, in the same year, was 459, making 27,051 tons bar iron, equal in value to - - - - - 3,104,697

Making a total product of - - - \$6,562,573

From the statement of 1810 and the present year, in New Jersey, it appears that the quantity made last year is less than the former by upwards of two thousand tons, whilst, at the same time, the increased capacity, if sufficiently protected against foreign competition, is capable of producing nearly three times the quantity produced in 1810, and it is fair to presume the same will be the result throughout the Union. From the most accurate calculation made in 1816, the quantity of bar iron required for the consumption of the country, was little rising forty-eight thousand tons; the capacity of the country, if worked to the best advantage, was equal to forty-five thousand tons. From the depression of commerce, but little is required for ship-building; and, from the depressed state of manufactures, and all other kinds of business, it is presumable the quantity required for consumption, at present, is short of forty thousand tons. The quantity imported in 1816 was twenty-one thousand five hundred and thirty-seven, in the last year nearly the same amount; it is evident, therefore, the quantity imported is greater than the quantity produced in the country. Such, then, is the situation of those important establishments at present. Such are the gloomy prospects of those who are compelled to pursue a business, the profits of which are not commensurate with the toil and anxiety connected with so laborious an avocation. But all the property they possess consists in their works, mountains, and minerals. They have, therefore, been under the necessity of keeping so much in operation as to keep together a few workmen; conscious that the inestimable value of those establishments, in a national point of view, would eventually receive that support, from an enlightened Legislature, as would render them conducive to individual advantage. Had those useful establishments received the early patronage of Government, and not have been suffered to go to decay, it is true, a protecting duty, something less than is now contemplated, might probably have been sufficient; but the duty laid by the first tariff not only failed in protecting, but hastened to ruin a great portion of those useful works. It becomes necessary, therefore, at the present, to give stimulus

and excitement sufficient to recall into operation every establishment where iron can be made. The protecting the making of iron is as necessary for our national safety, as the erection of the fortifications along the seaboard, or the increase of that proud Navy to which we look up with so much confidence and pride.

And as the labor necessary to produce the article must eventually fix its relative value, a home competition will, in a short time, bring the article to the consumer at its lowest rate possible; and, in place of being dependent on foreign nations for one of the first necessities of civilized life, we will, in a short time, be able to make it a valuable article of export.

Of furnaces we have sufficient to supply all the pigs and castings required for our wants, in some instances, of a quality superior in tenacity and excellence to any in the world. It becomes us, then, as the guardians of the nation's interests and safety, to proceed with an unflinching hand, and to let the embarrassing speculation of no theorist affect the energy of our purposes; and, by passing the present tariff entire, assure the desponding halting manufacturer the strong arm of the Government will protect him, and that he may advance forward with a confidence of success. Too long has foreign trade assumed a credit and distinction which it never was entitled to. It has misled the policy of our Legislatures, and turned their attention from the solid strength and resources of the country; and, instead of exhibiting those expanding views becoming to the legislators of a great empire, they have, in too many instances, dwelt into all the narrowness of counting-house calculators. How comes it that commerce or foreign trade should be erected into a kind of necessary fabric, that we must not touch it, or, at least, with cautious, trembling delicacy?

The advocates of commerce have unjustly represented manufactures as unfavorable to agriculture and foreign trade. This is not the case. Manufactures are the surest support of agriculture; and our commerce in future must depend on the antecedent ability of the consumer, and not on the misery and convulsed state of European nations. The profits of our foreign trade must resolve itself into the previous wealth and ability of the country. The merchant must be paid by the inland consumer; his profits must be derived from an antecedent wealth, that exists independently of himself, which wealth must depend on the value of the labor of the country; which again resolves itself into the absolute value of the surplus product of the whole labor of the nation. If, therefore, the value of the exportable surplus be reduced to one half its former value, the amount of the whole profit of the foreign trade must be reduced proportionably, as you then direct the labor of the country to a more profitable and extended employment. By the extension and protection of manufactures, you increase the ability and capacity of the country for commercial enterprise. The wealth of the country consists in the absolute value of the amount, and not in the quantity, of its products. If we increase the amount of our agricultural

APRIL, 1820.

Revision of the Tariff.

H. OF R.

productions to an excess over what we can dispose of or consume, it would have been better they had not been produced. The amount of our imports, consequently, depends on the value of our exports, and the extension of our commerce must be regulated by the capacity and wealth of the consumer; for it must be recollected that the price of the imported article embraces in it not only the profit of the merchant importer, but that of the different capitalists engaged in manufacturing the article in foreign countries: the profit of the foreign capitalist eventually resolves itself into the wealth of the consumer in this country. And should foreign trade be annihilated, this wealth would remain in the country, and be transferred to another purpose.

The loss of our foreign trade, to which some look with fearful apprehensions, whilst it annihilates the exportation of our surplus produce, annihilates, at the same time, the foreign article of luxurious accommodation. If the want of a profit on our export trade is to be accounted loss to the country, the reserving that profit which we paid away to foreign capitalists and manufacturers must be calculated a great gain to the country; the one balances the other, and there is no loss. The profits on one article of exports, which heretofore went to support the merchant, manufacturer, and foreign capitalist, in those countries, (from which our exports are at present excluded,) are reserved at home, and we have but to remove the manufacturer to our own country, and the whole profit is divided between the manufacturer, agriculturist, and inland consumer; it exists in the country; it gives to national industry an increased efficiency, and is a greater source of wealth and affluence than before. Does a nation become poorer by the loss of its foreign trade? It depends on the cause to which that loss is to be attributed. If it is destroyed by a voluntary change in the demand of our home consumption, from articles of foreign to articles of home manufacture, the nation has not become poorer.

We lose the foreign luxury for articles more adapted to our wants and interests; the nation has become richer; it has increased its resources and enjoyments; it has directed the labor of the country to articles of usefulness, and embraces the power of maintaining a greater portion of labor than before: and it is from labor issues imperishable riches, pure enjoyments, good morals, social prosperity, and individual happiness. Too long have we extended our views beyond the horizon of our own country for our future prosperity and greatness. For national wealth, we must call into operation the dormant resources of the fossil, mineral, and vegetable kingdoms. For defence and safety we must depend on the hard-fisted yeomanry, mechanics, and manufacturers of the country. For our weapons of war, to the rich iron mines universally extended over this wide-spread continent. Is the proud enjoyment of safety and independence to be balanced by dollars and cents? I cannot listen with patience for a moment to this mercantile per cent. calculation. We have the power, and it becomes the policy and duty of this House to save from the cruel ignominy of disgrace

and poverty thousands of meritorious individuals. How cold-blooded the heart that can behold unmoved the distressing scenes that every moment, and from every direction, press upon the view, and can, with unfeeling hardihood, reject the supplications, and refuse to listen to the reasoning, of those numerous petitioners that call for protection and support! Away with this merciless spirit; let it be banished to the cheerless, grovelling bosom of the commercial foreign calculator. It becomes us to elevate our views in proportion to the vastness of our territory; to calculate the sum of our enjoyments from the variety of our climates, and the grandeur of our future destiny from the majestic conformation of our empire, to the justice and wisdom of our institutions for the preservation of our freedom, and to the God of Heaven for a continuance of our union and happiness. I will not be led further into debate, but vote decidedly against striking out this important item of the bill.

The motion to recommit was negatived by yeas and nays—For the recommitment 70, against it 90, as follows:

YEAS—Messrs. Abbot, Alexander, Anderson, Ball, Barbour, Bayly, Brevard, Bryan, Burwell, Butler of New Hampshire, Cannon, Clagett, Cobb, Cocke, Crafts, Crawford, Culpeper, Cushman, Cuthbert, Eddy, Edwards of North Carolina, Floyd, Foot, Fuller, Fullerton, Garnett, Hall of North Carolina, Hazard, Hill, Holmes, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Kinsley, Lowndes, McCoy, McCreary, Mercer, Morton, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Virginia, Pinckney, Plumer, Rankin, Reed, Rhea, Richards, Ringgold, Robertson, Sampson, Silsbee, Simkins, Slocumb, B. Smith of Virginia, Smith of North Carolina, Swearingen, Terrell, Tucker of Virginia, Tucker of South Carolina, Tyler, Upham, Walker, Warfield, Whitman, Williams of Virginia, Williams of North Carolina.

NAYS—Messrs. Adams, Allen of New York, Archer of Maryland, Archer of Virginia, Baker, Baldwin, Bateman, Beecher, Bloomfield, Boden, Brown, Brush, Burton, Campbell, Case, Clark, Cook, Darlington, Davidson, Dennison, Dewitt, Dickinson, Edwards of Connecticut, Ervin, Fay, Fisher, Folger, Ford, Forrest, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hall of Delaware, Hardin, Hemphill, Hendricks, Herrick, Hibshman, Heister, Hostetter, Kendall, Kinsey, Little, Linn, Lyman, Maclay, McLane of Delaware, McLean of Kentucky, Marchand, Mason, Meigs, Metcalf, R. Moore, S. Moore, Monell, Moseley, Murray, Newton, Parker of Massachusetts, Patterson, Philson, Pitcher, Rich, Richmond, Rogers, Ross, Russ, Sergeant, Settle, Shaw, Sloan, Smith of New Jersey, Smith of Maryland, Southard, Stevens, Storrs, Street, Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Trimble, Van Rensselaer, Wallace, Wenderover, and Wood.

Mr. FOOT, of Connecticut, then moved that the bill be postponed until the first day of the next session, and followed his motion by some general remarks against the bill.

The question on postponing the bill was decided in the negative, by yeas and nays—For the postponement 78, against it 90, as follows:

H. OF R.

Board of Navy Commissioners.

MAY, 1820.

YEAS—Messrs. Abbot, Alexander, Anderson, Archer of Maryland, Archer of Virginia, Ball, Barbour, Bayly, Brevard, Bryan, Burton, Burwell, Butler of New Hampshire, Butler of La., Cannon, Clagett, Cobb, Cocke, Crafts, Crawford, Culbreth, Culpeper, Cushman, Cuthbert, Davidson, Edwards of North Carolina, Fay, Fisher, Floyd, Foot, Fuller, Garnett, Hall of N. Carolina, Hardin, Hill, Holmes, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Livermore, Lowndes, McCoy, McCreary, Mallary, Mercer, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Virginia, Pinckney, Plumer, Rankin, Reed, Rhea, Richards, Ringgold, Robertson, Settle, Silsbee, Simkins, Slocumb, B. Smith of Virginia, Smith of North Carolina, Strong of Vermont, Swearingen, Terrell, Tucker of Virginia, Tucker of South Carolina, Tyler, Upham, Walker, Warfield, Whitman, Williams of Virginia, and Williams of N. Carolina.

NAYS—Messrs. Adams, Allen of New York, Baker, Baldwin, Bateman, Beecher, Bloomfield, Boden, Brown, Brush, Campbell, Case, Clark, Cook, Darlington, Dennison, Dewitt, Dickinson, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Ervin, Folger, Ford, Forrest, Fullerton, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of Delaware, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Heister, Hostetter, Kendall, Kinsey, Kinsley, Little, Linn, Lyman, Maclay, McLane of Delaware, McLean of Kentucky, Marchand, Mason, Meigs, Metcalf, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Newton, Parker of Massachusetts, Patterson, Philson, Pitcher, Rich, Richmond, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Shaw, Sloan, Smith of New Jersey, Smith of Maryland, Southard, Stevens, Storrs, Street, Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Trimble, Van Rensselaer, Wallace, Wendover, and Wood.

The question was then taken, Shall the bill pass? and decided in the affirmative—yeas 91, nays 78, as follows:

YEAS—Messrs. Adams, Allen of New York, Baker, Baldwin, Bateman, Beecher, Bloomfield, Boden, Brown, Brush, Campbell, Case, Clark, Cook, Darlington, Dennison, Dewitt, Dickinson, Dowse, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Ervin, Fay, Folger, Ford, Forrest, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hall of Delaware, Hazard, Hemphill, Hendricks, Herrick, Hibshman, Heister, Hostetter, Kendall, Kinsey, Kinsley, Little, Linn, Maclay, McLane of Delaware, McLean of Kentucky, Marchand, Mason, Meigs, Metcalf, R. Moore, S. Moore, Monell, Morton, Moseley, Murray, Newton, Parker of Massachusetts, Patterson, Philson, Pitcher, Rich, Richmond, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Shaw, Sloan, Smith of New Jersey, Smith of Maryland, Southard, Stevens, Storrs, Street, Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Tracy, Trimble, Van Rensselaer, Wallace, Wendover, and Wood.

NAYS—Messrs. Abbot, Alexander, Anderson, Archer of Maryland, Archer of Virginia, Ball, Barbour, Bayly, Brevard, Bryan, Burton, Burwell, Butler of New Hampshire, Butler of Louisiana, Cannon, Clagett, Cobb, Cocke, Crafts, Crawford, Culbreth, Culpeper, Cushman, Cuthbert, Davidson, Edwards of North Carolina, Fisher, Floyd, Foot, Fuller, Fuller-

ton, Garnett, Hall of North Carolina, Hardin, Hill, Holmes, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Livermore, Lowndes, McCoy, McCreary, Mallary, Mercer, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Virginia, Pinckney, Plumer, Rankin, Reed, Rhea, Richards, Ringgold, Robertson, Settle, Silsbee, Simkins, Slocumb, B. Smith of Virginia, Smith of North Carolina, Strong of Vermont, Swearingen, Terrell, Tucker of Virginia, Tucker of South Carolina, Tyler, Upham, Walker, Warfield, Whitman, Williams of Virginia, and Williams of North Carolina.

So the bill was passed, and sent to the Senate for concurrence.

Mr. RICH made a motion to reconsider the vote by which the amendment of the Senate to the District Bank bill was this morning agreed to; but before the question was taken, a motion was made to adjourn; and, about 5 o'clock, the House adjourned.

MONDAY, May 1.

Mr. DICKINSON presented a petition of sundry merchants and traders residing in various places in the interior of the State of New York, and other States, assembled in the city of New York, praying that a duty, not exceeding ten per centum, may be imposed on all sales at auction; which was referred to the Committee of the Whole to which is committed the bill laying duties on sales of merchandise at auction in certain cases.—Referred.

Mr. STREET, from the Committee on Pensions and Revolutionary Claims, to which was referred the bill from the Senate, entitled "An act for the relief of Ebenezer Stevens and Austin L. Sands, legal representatives of Richardson Sands, deceased, and others," reported the same without amendment, and it was committed to a Committee of the Whole.

Mr. SILSSEE, from the Committee on Naval Affairs, reported a bill to prevent the commanders and other officers in the naval service of the United States from accepting of any present or emolument, of any kind whatever, from any King, Prince, or foreign State, and for other purposes; which was read twice, amended at the Clerk's table, and ordered to be engrossed, and read a third time to-morrow.

BOARD OF NAVY COMMISSIONERS.

Mr. SILSSEE, from the Committee on Naval Affairs, who were instructed to inquire into the expediency of so modifying the act establishing a board of Commissioners of the Navy, as to make the Secretary of the Navy, for the time being, the presiding officer of that board; and also of so limiting the tenor of the commissions of the members thereof, as to secure the accumulating experience and talents of our naval commanders in that department, by a periodical rotation in office, made a report thereon, stating that it is inexpedient at this time to make any modification of the act under which the said board of Commissioners is established; which report was read, and ordered to lie on the table.—The report is as follows:

MAY, 1820.

Adjournment of Congress.

H. OF R.

The Committee on Naval Affairs have, according to order, had under consideration a resolution directing an inquiry "into the expediency of so modifying the act establishing a board of Commissioners of the Navy, as to make the Secretary of the Navy, for the time being, the presiding officer of that board; and also of so limiting the tenor of the commissions of the members thereof, as to secure the accumulating experience and talents of our naval commanders in that department, by a periodical rotation in office;" and submit the following report: 'The act, entitled "An act to alter and amend the several acts for establishing a Navy Department, by adding thereto a Board of Commissioners," provides that the board so constituted shall be attached to the office of the Secretary of the Navy, and, under his superintendence, shall discharge all the duties therein specified; and that the record of their proceedings shall at all times be subject to his inspection.

As it would be often inconvenient, and sometimes impracticable, for the Secretary of the Navy to meet the Board of Commissioners, as their presiding officer, without neglecting other and more important duties, and as the Secretary is, by the aforesaid act, already vested with a supervising and controlling power of the acts and proceedings of the Board of Commissioners, the committee do not perceive the necessity of such a modification of the said act as is contemplated by the first inquiry directed by the resolution, or that the public service would be benefited thereby.

The committee are the more disposed to this opinion from the consideration that the limits of jurisdiction between the Secretary and the Board seem to be perfectly understood by each, and that no conflicting claims exist between them on this subject.

The committee are not advised whether the resolution contemplates the Secretary to be a constituent part of the board, and at the same time possessed of the control and superintendence of its proceedings, or merely the presiding officer, with a casting vote. In the latter case, the benefit to be derived from the superintendence of one officer over others, under distinct responsibilities, as well as the circumspection naturally resulting from such responsibility, would be entirely lost. In the former case the Commissioners would be little more than advisory, and, in that proportion, bereft of responsibility.

In relation to the second inquiry directed by the resolution, viz: "of so limiting the tenor of the commissions of the members of the Board of Commissioners, as to secure the accumulating experience and talents of our naval commanders in that department, by a periodical rotation in office," the committee beg leave to remark, that the duties of the Commissioners of the Navy Board are not merely such as appertain to a mere naval officer, but extend to other and important subjects, with which such officers cannot be supposed to be familiarly acquainted; they relate not only to the contracting for, and procurement of, all articles necessary for the armament, equipment, and provisioning of the public ships, but also to the constructing and repairing of those ships, to effectuate which objects, in the cheapest and best manner, requires a full knowledge, not only of the places at which materials and every thing needful for these purposes can most advantageously be procured, but also with persons in different sections of the country with whom they can, with the greatest reliance, make their contracts. The investigation of the committee has led them to the conclusion, that too

much time has not yet been allowed to the present Commissioners, to obtain that intelligence and experience which is desirable to the most advantageous discharge of these duties, and to perfect such a system in their department, as will unfold to their successors all the advantages of their labors which, in the estimation of the committee, have been such as are honorable to themselves, and highly beneficial to the public interest.

The committee would only add, that a periodical rotation in office, from a given number, would preclude choice. Such a rotation, instead of "securing the accumulating experience and talents of our naval commanders," might possibly endanger the board with qualifications opposite from those intended.

Under these impressions, the committee are of opinion that, although occasional changes in the Board of Commissioners may, and probably would, be productive of public benefit, yet that these changes may with safety be left to the discretion of the Executive; and therefore that it is inexpedient at this time to make any modification of the act under which the said Board of Commissioners is established.

ADJOURNMENT OF CONGRESS.

A motion was made by Mr. ROBERTSON, that the committee to which is referred the resolution from the Senate, fixing a period for the termination of the present session of Congress, be discharged from the further consideration thereof; and, the question being taken thereon, it was decided in the affirmative.

The House then proceeded to consider the said resolution, when Mr. ROBERTSON moved to amend the same, by striking out "24th day of April next," and inserting "8th of May, instant."

Mr. SMITH, of Maryland, moved to insert "15th of May, instant," instead of the time proposed to be stricken out.

Mr. TAYLOR then moved that the resolution lie on the table; which motion was negatived.

Mr. LITTLE then moved to postpone the resolution until Monday next; when

Mr. TRIMBLE moved that it lie on the table; which motion was negatived by yeas and nays—76 votes to 75.

The question was then taken on the motion of Mr. LITTLE, that the resolution be postponed until Monday next, and decided in the negative by yeas and nays—98 votes to 60.

Mr. BALDWIN then moved that the resolution be recommitted to the select committee, who have been this day discharged from its further consideration.

Upon this motion, and those which preceded it, there was a great deal of debate on the points; first, whether the business necessary to be done could be transacted by Monday next; and, secondly, whether the fixing a day for the adjournment of Congress would have a tendency to accelerate the progress of public business. The latter point was generally conceded, but the discussion ended in the motion being postponed to Wednesday, on motion of Mr. HOLMES, on the ground that, in the mean time, such information might be in possession of members as would enable them to decide more understandingly on the day at which it would

H. OF R.

Cash Duties on Imports.

MAY, 1820.

be practicable, with a due regard to the public interest, to adjourn.

The bill from the Senate for the relief of John H. Piatt was called up; but on the question the House refused, by a small majority, now to proceed to the consideration of the bill.

DISTRICT BANKS.

The House then proceeded to the unfinished business. The first subject in order was a motion, made on Saturday last, to reconsider the vote whereby the amendment of the Senate to the District bank bill was agreed to.

Mr. MERCER supported, at considerable length, the motion for reconsideration. In the course of his speech, though he admitted there was some difference of opinion among those interested on the subject of the bill which passed this House, it was, he contended, such a difference of opinion as would exist in regard to any legislation which might be proposed in regard to these banks, and was not such as to outweigh the considerations in favor of the bill, &c. He examined, in detail, the state of the banks, and showed it to be such as, compared with that of banks in other parts of the Union, was highly favorable to them. He was of opinion, on the whole, that the question respecting these banks had better be decided now than postponed to the next session, which would be the effect of finally accepting the amendment of the Senate.

The motion for reconsideration was opposed by Messrs. McCoy and Southard, on the ground that the bill, as amended by the Senate, afforded, on the one hand, every indulgence the banks had a right to expect, and on the other would, if the banks were to be further renewed, allow of time to devise a system for that purpose, which should be generally satisfactory to the stockholders.

The question for reconsideration was decided in the negative—63 to 54. The question is, therefore, settled in both Houses of Congress; and the bill, as it has passed, and requires only the signature of the President to become a law, is in the shape in which it was put by the Senate.

CASH DUTIES ON IMPORTS.

The House then again resolved itself into a Committee of the Whole, on the bill for regulating the mode of collecting duties on imports, and for other purposes.

The motion to strike out the first section of the bill being under consideration, the unnamed gentlemen delivered their sentiments for and against the principle of the bill, viz:

For the bill—Messrs. McLEAN, of Kentucky, BALDWIN, and CLAY. *Against the bill*—Messrs. SMITH, of Maryland, SETTLE, BURTON, SIMKINS, RHEA, and HARDIN.

Mr. BURTON, of North Carolina, spoke as follows:

Mr. Chairman, as this may be viewed as a part of that general system of measures on which there has been so much discussion, perhaps an attempt to address you may be considered an unnecessary consumption of your time; for I freely confess

that neither my habits or pursuits in life, or the local situation of that part of the Union which I have the honor to represent, have ever led me to a critical examination of commercial subjects. We are mostly an agricultural people, content to live upon the product of the soil. But, sir, I most conscientiously believe that we have arrived at that eventful period of our history when the destiny of this great nation is to be fixed; and this Republic, which has hitherto been the pride of the American, and the admiration of the civilized world, is to be shaken to its centre. Whether it will survive the shock, time alone can determine. Could I, by any feeble effort on my part, throw but a dust in the scale to save my country, it is all to which my humble talents aspire.

What is the momentous question now presented to the nation? It is nothing more nor less than that we should change that order of things under which the most of us have been raised, and for which we feel a parental attachment; and, like other redoubtable knights, famed in story, go in quest of new adventures. And I beg gentlemen to remember that we, too, may come in contact with windmills. Do we not know that, in all material changes, in any system of government, we have continually to contend with the prejudices of the people; for such is the human mind, what at first may be viewed almost with indifference, in process of time becomes a beaten track, from which we are driven with the greatest difficulty. I will ask, what has been the character of the leading measures of the present session? Have they not been calculated to rouse local feelings and jealousies? Are gentlemen determined to persist in this course at the risk of all consequences? Are they apprized, that, at every step of this mode of legislation, we are weakening the bonds by which we are united? For, let the Government once lose the affections of the people, and there is an end of its existence. Has not this rock, so well calculated to destroy our political ark, been distinctly pointed out by that able pilot, the Father of his Country? And if his warning voice cannot change your course, could I speak with the sound of an angel's trumpet it would be in vain. I am afraid, sir, we have too much of that restless spirit inherent in man, the common lot of frail humanity, and, like the ancient Jews, that favored nation of Heaven, not content even with a theocracy, but led astray by the example of the idolatrous nations by which they were surrounded, they, too, must have a King—we, who have hitherto spurned, with disdain, the Governments and policy of the Old World, as unfit for the freeborn sons of America, are now about to adopt that part of their system which, in my poor judgment, will sap the foundation of our present happy institutions.

We are told that France and England protect and encourage manufactories, and that we must become manufacturers as the road to wealth and independence. Have gentlemen been sufficiently attentive to passing events, to be serious in giving this advice? The honorable gentleman from Delaware has told us that the causes of the present distressed situation of England had originated in

MAY, 1820.

Cash Duties on Imports.

H. OF R.

the numerous wars in Europe, in which she had taken such a conspicuous part. With great cheerfulness I bestow my pittance of applause on the learning and ingenuity of that honorable gentleman; but, knowing the fallibility of the human understanding, and that the most learned men have erred, I cannot help thinking that this is one of those few cases in which that gentleman's judgment has failed him.

It was only necessary for him to have gone a step further to have discovered that these wars had grown out of a system of measures pursued by the individual who then ruled the destinies of France, to exclude from the continent of Europe the manufactures of Great Britain. So that, turn the subject as you will, we still have presented to our view this all-devouring monster, which, like Aaron's rod, is about to swallow up every other interest in the community.

What, then, is the situation of England, with all her protecting duties, premiums, &c.? It is true there are individuals who have amassed great wealth; but it is equally true that the larger proportion of the people who, it is contended, are to be benefited by manufactures, are ground in the dust. Are not our newspapers filled with assassinations and conspiracies to destroy those Governments which are giving their subjects all the blessings of immense manufacturing establishments?

It has been stated by the honorable gentleman from Pennsylvania, (Mr. BALDWIN,) who has certainly given us an excellent specimen of that talent, the making the most of a bad cause, and to which, I have no doubt, he is in some small degree indebted for that professional reputation to which I believe him justly entitled, that commerce, agriculture, and manufactures were at their lowest ebb, and that this was an evidence of the rottenness of our present system; and from which it would seem that he inferred that the only way to retrieve our situation is by the establishment of manufactures. To say nothing of the injustice of that system which should sacrifice the interest of the residue of the community for the benefit of any particular class, I will ask, what is the situation of those nations who have turned their attention to those mines of wealth—manufacturing establishments? Are they in a better situation than we are? Are not their subjects goaded and driven to desperation? Are they not ready to turn upon those who, gentlemen would induce us to believe, had been their greatest benefactors, by bestowing upon them these great blessings, this source of wealth and happiness to a nation—manufactories? Can we not, then, find some other cause for our embarrassment, independent of the system of revenue which has been adopted by the Government? May it not be fairly ascribable to that great revolution which had convulsed the nations of Europe, and more or less had its effect on every nation throughout Christendom, which had thrown from their channel all the ordinary pursuits of life; and since the happening of which event, they have not again had time to seek their proper level? For this unnatural state of things, (if it may be so called,) we have had many remedies prescribed—the most con-

spicuous of which was the banking system, which, like a fairy dream, was to build splendid cities, without capital, and we were to live in the most sumptuous manner, without labor and without exertion. What has been the result? Need I state to this honorable body, when we have been assailed with a general cry for a bankrupt law, from Boston to New Orleans, and there is a universal complaint of the greatest distress from Maine to Louisiana?

And what security have we that this new scheme of wealth and independence may not prove equally fallacious? Is this the time for trying experiments? I have always understood that when an individual was hard pressed in his circumstances, that nothing but economy and industry would save him: and will not the same rules which are applicable to the proper management of the affairs of an individual, apply with equal justice to the affairs of a Government?

If, like many new beginners, we have lived beyond our income, should we not curtail our expenditure, and live within our means? No prudent man would think of trying experiments until he had spare capital; and I hope this nation will not depart from a rule founded in so much good sense. It was my intention to have gone more at length into an examination of this subject; but, sir, as any thing I could say might only have a tendency to obscure those luminous views of the subject already taken by the honorable gentlemen from Virginia and South Carolina, I forbear to make any additional remark, except to answer an argument used in the course of the debate, which has not been noticed by any other person: that is, that this protection to manufactures might be considered in the nature of a voluntary tax, at the option of our citizens to pay or not. To which I will reply, that, during the French Revolution, it was recommended to that nation to have but one tax, and that, too, should be entirely voluntary—that is, a tax upon breathing. Now, sir, although a number of these articles might have been luxuries in the first instance, to wit: tea, sugar, coffee, molasses, &c., yet, from long habit, (if I may be pardoned the expression,) they may now be considered a part of our constitution, and we should almost as soon think of living without the use of air.

Mr. SETTLE rose, and said, the bill before the Committee proposes a radical change in the system for collecting the revenue, by discontinuing the credit, hitherto allowed by law, on bonds for duties, in most cases; in others, greatly shortening the time of credit. He said, before he proceeded to consider the history of the present system, and some of the principal bearings and consequences of the proposed change, he would take the liberty to deny any analogy which the advocates of the bill had attempted to establish between the case of credit for public lands and that for duties. He said, in the former, the debt of the Government was constantly increasing with great rapidity, and annual applications have been made, and will continue to be made, to Congress, for a further extension of credit. This extension of credit we have hitherto

H. OF R.

Cash Duties on Imports.

MAY, 1820.

granted. In the latter, if the debt has, in a small degree, increased, no applications have been made to extend the credit, except in some few extraordinary cases, such as the Savannah sufferers, when, he said, we should not have done injustice by wholly remitting the duties. In the former, by dividing the quarter section of land, the poor man is enabled to procure eighty acres, if he can raise an hundred dollars; he has, therefore, increased advantages in coming into the market, in competition with the adventurous speculator. Under the proposed change, all the advantages which large will give over small capitals, will be enjoyed by the large capitalist over the young, enterprising, and industrious merchants of our country, with small capitals, who depend as much, or more, on their skill and perseverance, as on their capitals; and these advantages will be given to the foreign capitalist over all the merchants of our country. But, he said, the principal and characteristic difference between the two cases was this: in the former, when the people in those States and Territories, in which the Government hold lands, became generally indebted to it, and when a wish, produced by the principles of self-defence and self-interest, prevailed amongst those people to obtain a further extension of credit, then, under such circumstances, the land itself would become the most dangerous and unsafe security the Government could hold. The friends of the law, changing the mode of disposing of the lands of the Government, have endeavored to prevent the possible occurrence of such a state of things, without inflicting injury or inconvenience on any portion of our citizens; none of those principles which argued strongly in favor of the alteration, in that law, have any application to the present bill. He said, he therefore denied that the decision of the House, in that case, was entitled to any influence on our deliberations on the present question; and he would feel much gratified to hear, on this occasion, from the same quarter, the eloquent description of agriculture, and the superior contentment, happiness, and patriotism, of agriculturists, which we are favored with on the former.

He said, the Chairman of the Committee of Manufactures, (Mr. BALDWIN,) in the course of his remarks on this bill, some days since, referred to several petitions, of sundry merchants, and asked the committee if the merchants, whose interests was so warmly defended, might be permitted to decide this question. Mr. S. said, he believed those who opposed the bill might safely answer, and tell the honorable member, the merchants may decide, but, before it is determined that the decision is binding, it should be ascertained that a majority of the merchants have expressed an opinion favorable to the proposed change, not the merchants of one or two cities alone.

Mr. S. said, he presumed that the member would not pretend to say, a majority of the merchants had petitioned for the change proposed by this bill. Then, for what purpose is it asked, whether the merchants may decide this question? He said, the long petition which had been presented during this discussion, and which was extended from one

side of the hall to the other, contains no prayer or wish for the contemplated change, but only a prayer for the imposition of a tax on sales at auction. Why, then, he asked, this great display of petitions, having no application to the present question? He said he would suppose, for a moment, a fact, which did not exist, that the majority of merchants had expressed an opinion favorable to the provisions of the present bill; he then would ask, if the bargain was to be concluded on by and between the manufacturers and merchants, without consulting the great agricultural interest of the Union? This interest will be materially affected by the operations of the proposed change, which, he said, he hoped would not take place until that interest had an opportunity to speak and be heard. Mr. S. said the system which is now offered to be changed was one of acknowledged excellence, and whose utility had been sanctioned by the experience of many years; under its operations, agriculture, commerce, and, he said, he would add manufactures, had increased and prospered to an unexampled extent. But it has been said, by the advocates of this bill, the Congress have at various times interfered, and changed this system. Mr. S. said, it was true, as our agriculture and commerce increased and as the latter had found and cut various and diversified channels, Congress have interposed and gradually extended the credit for duties. How, he asked, do the advocates of this bill wish to improve the system? He said, by reversing the policy by which the Government has hitherto been influenced.

Mr. S. said he would call the attention of the Committee to the amount of the revenue collected under the present system from customs. He said the Committee had been referred to it before, in the course of this discussion, and he made the call only for the reason that he believed it became necessary, in passing on to the point he had in view. He said, from the 4th of March, 1789, to 30th June, 1819, from customs alone has been collected the sum of \$318,738,161 02. This enormous amount of revenue has been collected from the people, and, owing to its equality and justice, they have scarcely felt it; and he said it might be asserted, without the fear of contradiction, that it has been collected with less loss and expense under the present system than it could have been under any other. He said the sum collected, within the same period, from internal revenue, direct taxes, postage or letters, sales of public lands, and miscellaneous, but little exceeds fifty-five millions of dollars; and, he said, the people of this Union had evinced infinitely more discontent under the collection of the latter than under that of the first mentioned sum. Mr. S. said, he would here ask what this Government had been enabled to do with the revenue collected principally from customs? He said, he would say principally from customs, because the amount collected from every other source is little, indeed, when compared to that collected from customs. He said it must be answered, with it the Government has been enabled to redeem our national debt, which we owed at the close of the Revolution, with unexampled rapidity; with it the Govern-

MAY, 1820.

Cash Duties on Imports.

H. OF R.

ment has built and equipped a navy, which, in its infancy, has become the pride and boast of our country; and secured for us the respect and admiration of the world; with it the Government has been enabled to adopt the policy of France, in great and expensive maritime fortifications; and, with it, provision has been made for the surviving officers and soldiers of the Revolutionary war, who are poor, at an expense little short of \$3,000,000. He said, he would say nothing of our standing army, the splendid and costly public edifices which have been erected, and our ability to relieve the people from the burden of taxation at the close of the late war; but would content himself in saying the Government had been enabled to do every thing which contributed to national defence, the happiness and prosperity of the people. Mr. S. said, he had not pursued this method in his remarks to secure for the present system the veneration, or even the respect, of those gentlemen who look on it as unsound and rotten, and who would place their hands on it to consign it to destruction; but solely for the purpose of arriving at the point on which the opposers of this bill can stand erect, and say to its supporters, hands off, touch not the present system, unless you can show considerable evils arising out of it, or advantages to be derived from the proposed change; and, if you cannot, as you have not, pointed out any evils arising from the present system, before you ask us for the change, give us not guesses, give us not calculations, merely conjectural, but give us certainty, or something approximating certainty, in your calculations, of advantages to be derived from this change.

Mr. S. said he hoped the Committee would bear in mind how the supporters of this bill approach the present system; they begin by giving us feeling descriptions of the pecuniary embarrassments under which our citizens are laboring. He said he would not say, as he certainly did not believe, gentlemen exaggerated in their representations of the distresses of the people; but he would say, they had been stated here, and by those who have written on measures with which this bill has connexion, to the full extent to which they exist. He said, it had been stated, by one of these writers, that numbers of our citizens, possessed of valuable talents, and disposed to be useful, but unable to find employment, are migrating to Cuba, where, under a despotic government, among a population principally of slaves, and subject to the horrors of the inquisition, they seek an asylum from the distress they suffer here. Mr. S. said he did not advert to this statement to question its correctness, but to show the avarice and cupidity with which these manufacturers have been governed. He asked what encouragement, what inducements, must the Congress hold out to these men, to retain them here; men who, eagerly in pursuit of gain, will leave this country, where civil liberty is enjoyed to the full extent to which human wisdom can improve it; where little or no taxes are paid; where provisions and raw materials are selling for nothing, when compared with former prices; and where labor is high, and go to Cuba? Must we, said he, in order to retain them, pass the tariff bill,

the bill now before us, and the bill to impose a tax on sales at auction? Are we to pay them this price, at the expense of the other great interest of society? And can it be said, we shall not, at no distant period, be called on by them to go to the ultimatum mentioned by the gentleman from Virginia, (Mr. TYLER,) and pay them premiums and bounties on exportation? He said he hoped the supporters of the bill would give those who differed from them in opinion time to reflect five or six months, within which we can deliberate and determine how far we must go in the encouragement of domestic manufactures, and within which the great agricultural and commercial interests of the country can speak and be heard.

Mr. S. said he would here tell the supporters of the bill, they had made no progress in proving the necessity or propriety of the proposed change by their representations of the pecuniary embarrassments of the people; for, with this weapon, they may, with equal propriety and expectation of success, attack any, the most fixed principles of our Government; under these, as well as under the system you are about to change, have our pecuniary distresses taken place. He said, however great, in general, our inclination may be to innovation, and however fixed may be the opinion of some, that no change can be for the worse, he would not touch the present system, unless the friends of the change can show our present embarrassments arise out of this system. He said, when the friends of the bill had been called on to point out the source from which our pecuniary distresses arise, they say from the want of sufficient protection to domestic industry; which words, he said, according to their late signification, (since the rejection of all the principles and maxims of the most approved writers on political economy,) mean nothing more or less, in the sense in which they are pressed on us, than domestic manufactures. He said the friends of the present bill argue that the repeal of the present system will contribute to the protection of domestic, by lessening the importations of foreign manufactures, from the great importations of which, our embarrassments have principally arisen. The friends of this bill further say, that foreign manufactures have been imported into this country, and sold at prices far below those at which they are purchased at the place of manufacture. Mr. S. said it appeared more probable that such a trade would ruin the sellers than injure the buyers, and that it could not continue long without ruin to the foreign importer, and to his Government, if supported by it. He said it appeared, from the report of the Secretary of the Treasury, that the amount of importations had greatly decreased. This fact, taken in connexion with the general assertion that our country is inundated with foreign goods, proves that the people have recommenced habits of economy without legislative coercion. He said he would ask, whether the importation of foreign goods had any agency in raising the price of lands from fifty to an hundred per cent., and that of all property in the same, or a greater proportion? He said it was well known that this great and rapid

H. OF R.

Cash Duties on Imports.

MAY, 1820.

increase of price had taken place in most parts of the Union. He could speak more particularly of North Carolina; there, on the rivers, land had risen, within the last five or six years, from one hundred to an hundred and fifty per centum, and continued so until about twelve months since, and then, unimproved, half our lots in new towns established on the rivers, sold at six and eight thousand dollars each. No one, he said, would pretend to say that importations of foreign goods had produced this rapid increase of price in property. Mr. S. said our embarrassments arose, not from importations of foreign goods, but from other and distinct causes. They arose from the great number of banks which have inundated our country with their paper, at one period, and the necessity they were under, at another, to withdraw large quantities of that paper from circulation, to give currency to the residue; from that insatiable thirst most men have for speculation and profit, which makes them measure their wants and necessities by the degrees of facility with which they can obtain money; and from the pecuniary embarrassments of those countries with which we have carried on our principal commerce. He said, on this point, he would refer to the petition of the citizens of Pike county, Pennsylvania, lately addressed to their legislature, in which they state, at no period since the Revolution has greater distress been felt than at the present moment. We consider the banking system to have been the principal cause. Instead of becoming, as was predicted, blessings to the people, banks have become, like the scorpions amongst the children of Israel, a curse to the people, and perfect beasts of prey. He said he referred to this, as expressive of his own opinion, and he believed that of the people generally, in relation to the injuries which have arisen from the banking system, in the extent to which it has existed. He said he would repeat, that our pecuniary embarrassments have not arisen from the system for collecting duties, the repeal of which is now considered necessary in affording due protection to domestic manufactures; but from other and distinct causes, which he had endeavored to assign. He said it was not to be expected, when the friends and opposers of the bill differed so widely in relation to the causes of our embarrassments, that there should be an agreement between them in relation to the remedy.

Mr. S. said the friends of the bill have said, during this debate, that commerce had been stimulated above health point; and they tell us commerce and agriculture are now prostrate, nearly bloodless and lifeless; and, he asked, what was the remedy proposed? Sir, it is copious bleeding, severe blistering, and cupping. Yes, sir, with the tariff bill they wish to bleed; with the bill before us blister; and, he supposed, with the auction bill, as it is called, cup agriculture and commerce, to restore them to health and vigor. He said it was unnecessary to dispute about the skill of the advocates for this change—of that he would say nothing; but the remedy proposed in such a case, was so unnatural, so opposed to every principle of reason, and he had come near saying common sense,

he hoped the Committee would prevent its application.

Mr. S. said, should the bill pass, it will, in its operation, draw from circulation into the Treasury, in one year, about double the sum which would be drawn in under the present system, if the amount of importations should not be materially lessened. The prospective payments into the Treasury from bonds, for twelve months, would amount to about twenty millions of dollars. The amount of duties accruing during the same period, and payable in cash, under a supposition that importations were not lessened, may be stated at twenty millions of dollars more. He said the country was not at this time able to bear such a contribution; it would greatly injure, if not destroy, every branch of national industry. Our manufacturing industry would be as much injured by it as any other interest. He said, it was a correct principle in government to leave in the pockets of the people their money, until it became necessary, to attain the legitimate objects of the Government, to call it out. The people are better qualified, until the necessity for this call exists, to employ their money most to their own advantage, and that of the Government itself.

He said, if the bill was intended as a measure to increase the revenue, and supply the defect in the Treasury, he would tell its supporters it would do no such thing, it will greatly lessen importations, by withdrawing a large capital from commerce, and consequently lessen the revenue. He said, by giving up the present system, we shall lose one on which there is infinitely more certainty of calculation than on that for which it is offered to be changed. He said, we should not sacrifice our patrimony in expectancy, for a little ready cash, nor cut after the golden egg prematurely.

He said, if the bill was intended as a measure to encourage domestic manufactures, then, in addition to the objection that it will draw such large sums of capital from circulation, he would say it operated unequally; for it is as efficacious in preventing the importation of those articles to which we have no objection, as it is in preventing the importation of those which it may be our interest to exclude.

Mr. S. said, he viewed this bill as forming a part of a great system for the encouragement of domestic manufactures, and expressed a hope that the Committee would indulge him while he noticed, and attempted a reply to some of the principal arguments urged in favor of its passage. He said it had been argued that it was the duty of all governments to employ their idle population in useful labor, and it was the duty of this so to encourage domestic manufactures, as to call into their employment that portion of our population which is now idle. He said it was true, that it is to the interest of all Governments that their population should be usefully employed, and that it is desirable we should have no idle and useless citizens; to effect this, he said, it was the duty of Government to secure to each individual the free and uninterrupted enjoyment of his life, liberty, and property, and to leave him free to engage in the labor

MAY, 1820.

Cash Duties on Imports.

H. OF R.

of his choice; and, he said, there is no doubt he will engage in that employment in which he believes he can most benefit his own interest, and, consequently, that of his country. But suppose, sir, said he, we attempt to invite to labor that portion of our citizens who wish to engage in manufactures, by encouragement to domestic manufactures, at the expense of agriculture and commerce, we shall then employ actively one man in twenty, and lessen, if not destroy, the industry and enterprise of the other nineteen of all our population. He said it certainly could not be believed we should add to the sum total of national industry, by giving this extraordinary encouragement to domestic manufactures. We should have all the branches of national industry on an equal footing, and not give one a preference over the others. He said, no Government which will interfere with national industry, and give one branch of it a preference over the other, to draw private capital from one channel to another, can justify that interference on any other principle than that the people cannot, or will not pursue their own interest, and that they are incompetent in the management of their private individual affairs. These principles, he said, however true they might be in other countries, were not true in relation to the people of this country.

Mr. S. said, it had been stated in this debate that manufactures flourished during the war, but peace destroyed them. He said if this statement proved any thing, it was the want of congeniality of interest between domestic manufactures and the other branches of national industry; that the blasts which brought pestilence and death to all other branches of industry, were pleasant zephyrs to manufactures. He said he regretted to hear this statement; he had always believed, and still believed, the three great branches of national industry could live and flourish together; and they will, unless the avarice and cupidity of those engaged in the one require and obtain too great sacrifices from those pursuing the others.

Mr. S. said our independence had been appealed to in the course of this debate, and we have been told of our degradation in depending upon foreign nations for manufactured articles. He said it was in the nature of our Government and civil institutions, to inculcate on, and foster in the midst of our citizens, an ardent attachment to independence and the principles of civil liberty; and, he said, this will continue to be the case until we become so much more wise than our fathers that we must amend and interpolate their works.

He said examples had been drawn from individual life in this debate; he, therefore, felt justified in following the example, and would ask, if any man would feel degraded, or less independent, in sending his work to the shop of his neighbor, if his neighbor took part of his surplus produce in pay? He said the understanding of the man could not be much admired, who, to become independent, would leave a profitable profession, or the calling of a respectable farmer, and turn cobbler. He said he had a respect for all honest men, be their trade whatever it may; but there is a social de-

pendence mutually existing between men of the same country, and between different nations; and he believed its destruction would materially lessen the sum total of human happiness.

Mr. S. said he would not indulge himself in detailing melancholy forebodings of the deleterious effects of this measure, and the others with which it is connected, on our navy, on our revenue, and on the habits, morals, and condition of our citizens. He said he had them—he felt them—but he would leave them to time and experience to develop—the best crucible for the trial of measures and men.

Mr. REA said: The first section of the bill under consideration contains four principles relative to the disposition of merchandise imported into the United States. The first principle is, that the duties laid on all goods, wares, and merchandise, imported into the United States from and after the — day of —, except certain articles enumerated in the first section, shall be paid before a permit shall be granted for landing the same, excepting such goods, wares, and merchandise, as may be entered for exportation, or deposited in storehouses. The second principle includes the several articles enumerated in the first section, and excepted from the general operation of the bill, in respect to cash payment of duties thereon. The third principle includes merchandise entered for exportation; and the fourth principle includes merchandise intended to be deposited in storehouses.

The second section provides that, where the amount of duties on the articles enumerated and excepted in the first section, and included within the second principle or class of merchandise, imported in any ship or vessel on account of one person only, or of several persons jointly interested, shall not exceed one hundred dollars, the same shall be immediately paid; and if exceeding that sum, shall be paid or secured to be paid. If on teas, one-third in three, one-third in six, and one-third in nine calendar months. If on the other articles excepted and enumerated in the first section of the bill, one-half shall be paid in three, and the other half in six months, from the date of the respective importations.

The other sections of the bill contain regulations relative to merchandise entered for exportation, and to merchandise deposited in storehouses.

In the first section of the bill is an enumeration of articles excepted from cash payments. The excepted articles are, “dying drugs, and materials for composing dyes, gum arabic, gum senegal, and all articles used solely for medicinal purposes, cassia, cinnamon, cloves, chocolate, cocoa, coffee, indigo, mace, molasses, nutmegs, pepper, pimento, salt, ochre, sugar, tea.” Of these, as has been already observed, the second section provides, that duties shall be paid in three, six, and nine months, and that the duties on all the other enumerated articles shall be paid in three and six months. What, then, are the articles of merchandise imported into the United States on which, by the provisions of the bill, the duties shall be paid before a permit be granted for landing the same? They are all manufactures of wool, of cotton, of

H. OF R.

Proceedings.

MAY, 1820.

linen, of hemp, of iron, all wines, and spirits of every kind, and other articles not enumerated or provided for in the said first section. These are the principles of this bill, the enactment of which into a law is so earnestly urged.

What will be the operation of this bill if it becomes a law? or on whom will it chiefly operate? The answers to these questions are important, and ought to be duly considered. A gentleman from Maryland has informed us that, if the merchants are to pay cash for duties on merchandise, as provided for by this bill, they will, in his opinion, be compelled to lay about ten per cent. in addition to the price of the article of merchandise. The duties charged by the existing tariff on all articles of foreign growth and merchandise imported into the United States, and chargeable with duties, are now very high; in some cases amounting nearly to a prohibition, if not altogether.

This bill, if it becomes a law, will, it is believed, operate injuriously to the agriculture, to the commerce, and to the revenue of the United States, and will augment the necessity of a system of internal taxation of a general or particular kind. The effects which will be produced by this bill, if it becomes a law, may be apparent. These effects will operate on the consumers of every description of merchandise of foreign growth or manufacture, paying duties, or of domestic manufactures not subject to any duties. The agricultural part of the community is the great mass of the people of these United States, and does consume the largest quantities of merchandise; and being the chief consumer of merchandise, do pay the greatest portion of revenue arising from duties on merchandise. The principles of the Government of these United States are not similar to the principles of the Government of any other nation. In the United States the people are the sovereign, and hold in their hands the power of the Government. I will vote, said Mr. R., to strike out the first section, and I hope it will be stricken out.

The question was taken on Mr. SILSBEE's motion to strike out the first section—that is, to reject the bill, and carried—ayes 86, noes 60.

The question was then immediately taken to concur with the Committee in striking out the first section of the bill, and decided—For concurrence, 91; against it, 55, as follows:

YEAS—Messrs. Abbot, Alexander, Allen of Tennessee, Archer of Maryland, Archer of Virginia, Ball, Barbour, Bayly, Brown, Bryan, Burton, Burwell, Butler of New Hampshire, Butler of Louisiana, Cannon, Clagett, Cobb, Crafts, Culpeper, Cushman, Cuthbert, Dennison, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Edwards of North Carolina, Fisher, Floyd, Foot, Forrest, Fullerton, Garnett, Hardin, Hill, Holmes, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Kinsley, Linn, Livermore, Lowndes, Lyman, Maclay, McCoy, McCreary, Mallary, Marchand, Mercer, Monell, Morton, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, Overstreet, Parker of Virginia, Pinckney, Plumer, Rhea, Rich, Ringgold, Russ, Sampson, Sawyer, Sergeant, Settle, Silsbee, Simkins, Slocumb, Smith of Maryland, Smith of North Carolina, Street, Strong of Vermont, Strong of New York, Swearingen, Tarr,

Taylor, Terrell, Tomlinson, Tracy, Tucker of Virginia, Tucker of South Carolina, Tyler, Walker, Whitman, Williams of Virginia, Williams of North Carolina, and Wood.

NAYS—Messrs. Adams, Allen of New York, Anderson, Baldwin, Bateman, Beecher, Bloomfield, Boden, Brush, Campbell, Case, Cocke, Cook, Culbreth, Darlington, Dewitt, Dickinson, Dowse, Folger, Ford, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hall of New York, Hall of Delaware, Hendricks, Hibshman, Heister, Hostetter, Kinsey, Little, McLane of Delaware, McLean of Kentucky, Mason, Meigs, Metcalf, R. Moore, S. Moore, Murray, Parker of Massachusetts, Patterson, Philson, Richmond, Rogers, Ross, Shaw, Sloan, Smith of New Jersey, Stevens, Storrs, Trimble, Van Rensselaer, Wallace, and Wendover.

And so the bill was rejected.

TUESDAY, May 2.

A message from the Senate informed the House that the Senate have passed the bill of this House entitled an act for the relief of Jacob Konkopot, and others, of the nation of Stockbridge Indians, residing in the State of New York, with an amendment. They have also passed bills of the following titles, to wit: An act to regulate the fees of the clerk and marshal of the district court of the United States for the State of Louisiana; and an act further to regulate the Medical Department of the Army; in which amendment and bills they ask the concurrence of this House.

On motion of Mr. EDWARDS, of Connecticut, the Committee on the Judiciary were directed to inquire into the expediency of authorizing the marshal of the district of Connecticut to make use of Newgate prison, in the State of Connecticut for the purpose of confining to hard labor such prisoners as shall, by the courts of the United States in that district, be sentenced to imprisonment at hard labor for offences under the laws of the United States; provided such State shall make it the duty of the keeper of said prison to keep safely all prisoners committed thereto, as aforesaid.

The House took up and proceeded to consider the bill from the Senate entitled "An act for the relief of John H. Piatt;" whereupon the bill was ordered to be read a third time to-morrow.

The bill from the Senate entitled "An act to regulate the fees of the clerk and marshal of the district court of the United States for the State of Louisiana," was read twice, and referred to the Committee on the Judiciary.

The bill from the Senate entitled "An act further to regulate the Medical Department of the Army," was read twice, and ordered to be read a third time to-morrow.

The amendment proposed by the Senate to the bill entitled "An act for the relief of Jacob Konkopot, and others, of the nation of Stockbridge Indians, in the State of New York," was read, and concurred in by the House.

An engrossed bill entitled "An act to prevent the commanders and other officers in the naval service of the United States from accepting of any

MAY, 1820.

Duties on Sales at Auction.

H. OF R.

present or emolument, of any kind whatever, from any King, Prince, or foreign State, and for other purposes," was read the third time and passed.

The House took up and proceeded to consider the bill for the relief of Susannah Stewart; whereupon it was ordered to be engrossed and read a third time to-morrow.

DUTIES ON SALES AT AUCTION.

The House having resolved itself into a Committee of the Whole, Mr. TAYLOR in the chair, on the bill for laying duties on sales at auction, the bill was read through.

The following is the first section, and contains the substance of the bill:

Be it enacted, &c., That, from and after the — day of — next, there shall be levied and paid, for the use of the United States, upon all sales by way of auction, as hereinafter described, which shall be made within the United States, the respective rates and duties for every hundred dollars of the purchase money arising on the sale, by auction, of goods, wares, and merchandise, to wit: on all articles manufactured in the United States, one dollar; on all articles of foreign growth or manufacture not hereinafter enumerated, two dollars; on woollen, cotton, and linen manufactures of all descriptions, or of which wool, flax, and cotton, or either, is the material of chief value, glass, of all kinds, iron, steel, hemp, cordage, tarred or untarred, twines, silks, nankeens, ready made clothing, all articles manufactured from iron, steel, copper, brass, pewter, lead or tin, or of which these metals, or either of them, is the material of chief value, china ware, earthen ware, stone ware, musical instruments, hats, caps, and bonnets, of all kinds, umbrellas and parasols, dressed or tanned skins, cabinet wares, leather, and all manufactures of wood or leather, or of which leather is the article of chief value, paper, of every description, and all articles of the above description in part manufactured, printed books, corks, gold leaf, ten dollars; and at the same rate for any greater or lesser sum, except as hereinafter excepted. The said respective rates and duties to be paid by the auctioneer, or person making such sales at auction, out of the moneys arising from each and every such sale. And if any goods, wares, and merchandise, shall be sold at auction in any other manner, or in any less quantities, dimensions, or weight, than those contained in the original bales or packages in which they shall have been imported, there shall be levied and paid an additional sum of five dollars for every hundred dollars of the purchase money arising from such sales: *Provided*, That nothing in this act contained, shall extend to any sale or sales, by auction, of goods, wares, and merchandise, made pursuant to, or in execution of, any rule, order, decree, sentence, or judgment, of any court, or judicial officer of the United States, or either of them, or made in virtue, or by force, of any distress for rent, or other cause for which a distress is allowed by law; or made in consequence of any bankruptcy or insolvency, pursuant to any law concerning bankruptcies or insolvencies; or made in consequence of any general assignment of property and effects, for the benefit of creditors; or made by, or on behalf of, executors or administrators, or made pursuant to the directions of any law of the United States, or either of them, touching the collection of any tax or duty, or disposal, by auction, of public property of the United States, or of any State; nor to any such sale or sales,

by auction, of ships, their tackle, apparel, and furniture, or to the cargoes of any ships or vessels which shall be wrecked or stranded within the United States, and sold for the benefit of the insurers or proprietors thereof.

This section being under consideration—

Mr. BALDWIN, the chairman of the Committee of Manufactures, delivered an exposition of the views of the Committee in reporting the bill, and the reasons by which he was induced to urge its passage. The system of auctions he described as a monopoly in the hands of a few persons in the large towns, and a fair subject for taxation. The present operation of the sales at auction of foreign merchandise, he argued, was to displace the fair trader, by inundating the country with worthless goods at reduced prices; and its effect had been, connected with other causes, to throw our commerce into the hands of foreigners, and bankrupt the fair American merchant, at the same time that it also destroyed the occupation of the helpless but industrious retailer. In support of his argument, he advanced various facts showing the great extent to which this auction business is carried on in the country, &c.

Mr. STORRS, in the course of some remarks which he made on this subject, avowed his willingness to throw some further impediments in the way of foreign merchants engaged in trade in this country, not believing it to be the interest of the country that our retail trade should be carried on by foreign capital. From considerations which he enlarged upon, Mr. S. said he should support this bill, provided the duties proposed to be laid were not so high as to prohibit sales at auction altogether. Such, he apprehended, would be the effect of the duty of ten per cent. proposed in the above section. Mr. S. assigned several reasons why he thought auction sales ought not to be wholly interdicted, at the same time that he thought them a fit object for taxation. He therefore moved to strike out of the above *ten per cent.*, and in lieu thereof insert *two and a half per cent.*

Mr. SMITH, of Maryland, whilst he opposed this amendment, gave his general views of the bill. The committee he said had in his opinion wisely discriminated, retaining a small duty only on such goods—groceries, for example—as had always heretofore been sold at auction. That duty however he thought ought to be but one instead of two per cent. The object of the ten per cent. duty on sales of another description was to prohibit them altogether. To show the advantageous effects of such a prohibition, Mr. S. entered into a general view of the pernicious operation of such sales. The effect of the duty of ten per cent. would be to throw back the trade into the hands of the fair American merchant. The two and a half per cent. duty would not have this operation: it would be cheerfully paid, and would give a revenue of eight hundred thousand dollars. Revenue, however, was not the object, but prohibition or exclusion of these sales; and the proposed amendment, therefore, ought not to be adopted.

Mr. SERGEANT gave to the House his views of this subject, and particularly of the amendment.

H. OF R.

Duties on Sales at Auction.

MAY, 1820.

With regard to trade in general, he was opposed to subjecting it to too much regulation; but sales at auction were a fair subject of regulation, because the system itself was the creature of regulation, being subject to particular restraints, and giving particular benefits to those who carry it on, &c. He objected to the auction system, that it was inconsistent with sober and moderate habits, and induced gambling and speculating habits. He spoke of it in a limited as well as in a general sense. He had therefore no objection to the proposed prohibitory duty; but to the imposition of a duty on sales at auction as a means of revenue he had many objections, the most forcible of which was, that its operation would be too partial. Such a duty would well form a part of a general system, but certainly ought not to be selected from all other equally proper objects of internal taxation, &c. He was of course opposed to the amendment.

Mr. JOHNSON, of Virginia, then took the floor. He regarded this bill as only a continuance of the system of measures commenced in one bill which has already passed this House, and proposed to be continued in the other, which was yesterday rejected—a system which he pronounced to be calculated to visit with ruin and distress one portion of the community, to the benefit of two other classes. He replied to some of the arguments advanced on this day, and on preceding days, in favor of fostering the manufacturing system, and particularly denied that the independence of the country was in any manner essentially connected with that policy. With regard to the alleged effect of this bill to promote the public interest, by preventing people from buying goods at auction, he considered the old-fashioned way the best, which left to the good people of the United States to judge for themselves of what would best promote their interests. This bill, he argued, would promote the interest of but two classes—the merchants and the manufacturers—by excluding the competition of foreign capital, and further burdening the sales of imported goods, &c. With respect to the morality of auction sales, he said that it was not the province of Congress, but of the State governments, to legislate for the preservation of the morals of the community, &c.

Mr. TRACY delivered his views in opposition to the bill. With regard to the monopoly of the auction business, he said it was the first time he had heard a serious allegation against a monopoly, the object of which was to sell goods cheaper than, without these auction sales, they would be sold. On the contrary, the effect of this bill would be, he argued, to create, instead of destroying, a monopoly. He examined the operation of sales at auction, and replied to the arguments which had been employed to show their injurious and immoral tendency. People might buy as immorally and as foolishly, he said, from the regular merchant as at auction; and more so, because in the one case they must pay cash for their purchases, and in the other might obtain extensive credits, which were always prejudicial. He denied the force of the argument that the business of selling goods would be thrown into more hands by abol-

ishing sales at auction. He saw no reason in Congress legislating for the purpose of producing such an effect, &c. In concluding his speech, Mr. T. moved to strike out the first section of the bill; but, pending the other motion, this motion was not in order.

Mr. SILSBEE made some remarks, the object of which was to show that the proposed duties were too high, and would certainly be evaded, and evaded without fraud, by a change in the customary mode of doing business. A single package of goods, for example, would be sold at public sale to fix the price, and the rest would be sold off at private sale at the same price, and thus the duty saved, &c. He was of course in favor of the amendment now under consideration.

Mr. WARFIELD next spoke at considerable length against the principle of the bill, and in reply to the arguments used in its support. He denied that the system of auction sales could properly be considered as a monopoly, or that it produced the deleterious effects ascribed to it. He was disposed to let commerce regulate itself, as much as we could, with a due regard to the public interest. He was therefore opposed to passing any law on this subject; but, if any law respecting it were to pass, he was in favor of its being amended as now proposed by the gentleman from New York. He believed the operation of this bill would be to encroach in a certain degree, for the benefit of another interest, on the agricultural interest of the country; and he was therefore entirely opposed to its passage in any shape.

Mr. KINSEY spoke in support of the bill. He adverted to the numerous petitions which had been presented in favor of this bill, from various classes of society, as affording the strongest evidence this House could have in favor of the measure now before the House. He recounted the details of the operation of these auction sales as converting the whole business of trade into a system of hazard and of chance, having a most demoralizing effect; and, whatever gentlemen might say, he contended this was a consideration entitled to the respect of this House—our Government itself being founded on public morals. He added many other arguments, and invoked the parental care of Congress to the sinking American manufacturer and merchant from the effect of these sales at auction for the benefit of foreign competitors, &c.

Mr. BALDWIN again spoke in support of the bill. He did not consider the duty of ten per cent. as a prohibitory duty; it was not, he said, intended to be such, nor did he believe, from all the information he had received, that it would have that operation. He examined more fully the deleterious operation of the present system of trade, &c., and argued that anticipations of punctuality in the future payment of duties ought not to be formed on the report of the Secretary of the Treasury on that subject; and that it would not be surprising if the loss this year, by failures, &c., should equal the losses of the thirty years preceding, or one million of dollars.

Mr. JOHNSON, of Virginia, again addressed the House, and replied to Mr. BALDWIN's arguments;

MAY, 1820.

Duties on Sales at Auction.

H. OF R.

maintaining the importance to this nation of commerce and navigation, both which the system of which this bill was a part, went to destroy; and this, after a bloody but victorious war had been commenced and maintained for free trade and sailors' rights. Having achieved at such a sacrifice these great objects, he deprecated their surrender, by the policy proposed by the system of which this bill was a part, &c.

Mr. MEIGS, of New York, entered into a series of arguments, and referred to a number of facts, to show the beneficial operation which this bill would, to a certain degree, have on the domestic industry of the nation generally; to which great object he was friendly. Though, therefore, the bill might afford, perhaps, but little aid to manufactures, he was in favor of it.

The question was then taken on reducing the duty, in the above section, from ten per cent. to two and a half per cent.; and was negatived without a count.

Mr. STRONG, of New York, then, for the purpose of destroying the bill, moved to strike out the first section thereof, and followed his motion by a speech of some length against the bill, contending that the sales proposed to be so highly taxed, were not injurious to the interest of the community; that, whether the tax was intended for prohibition or for revenue, it would be partial, and would be defeated by the sales of goods in commission stores, &c.

The motion to strike out the first section was negatived—ayes 51, noes 75.

Mr. BUTLER, of New Hampshire, then moved to strike out ten, and insert five per cent.

Mr. WENDOVER moved to strike out ten, and insert eight.

The latter motion, being first tried, was negatived.

The motion to substitute five per cent. for ten was also negatived—ayes 64, noes 70.

Mr. CULBRETH moved to strike out ten, and insert six per cent.; which motion he made because he was friendly to the object of the bill, and because he feared that, unless the duty were reduced, the bill would be lost.

This motion was also negatived.

Mr. SMITH, of Maryland, moved to strike out the duty of two per cent. on sales of groceries, &c.; and in lieu thereof to insert one per cent. The motion was agreed to.

Various amendments were then successively offered to the details of the bill, some of which were accepted, and many rejected; in the proposition or discussion of which, Messrs. SMITH of Maryland, BALDWIN, CULBRETH, WENDOVER, WHITMAN, SILSBEE, FOOT, HILL, McLEAN of Kentucky, BEECHER, and NELSON of Virginia, were most active.

The bill was so amended, on motion of Mr. BALDWIN, as to take effect from and after the 30th of June next.

The bill having been gone through, and the blanks therein all filled, the Committee rose and reported the bill and amendments to the House,

and the amendments were all concurred in; and, after receiving some further modification,

Mr. TRACY, of New York, moved that the bill be indefinitely postponed; which motion was decided in the negative by yeas and nays—for indefinite postponement 66, against it 83, as follows:

YEAS—Messrs. Abbot, Alexander, Anderson, Archer of Virginia, Ball, Barbour, Bayly, Bryan, Buffum, Burwell, Butler of Louisiana, Cannon, Cobb, Cocke, Culpeper, Cuthbert, Dennison, Earle, Eddy, Edwards of Connecticut, Edwards of North Carolina, Fisher, Floyd, Fuller, Fullerton, Garnett, Gross of Pennsylvania, Hall of New York, Hall of North Carolina, Hardin, Heister, Holmes, Hooks, Johnson, Jones of Tennessee, Kent, Livermore, Lowndes, Maclay, McCoy, Mercer, Monell, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Virginia, Pinckney, Pindall, Reed, Rhea, Ringgold, Settle, Silsbee, Slocumb, Smith of North Carolina, Strong of New York, Swearingen, Tarr, Terrell, Tracy, Tucker of Virginia, Tucker of South Carolina, Walker, Warfield, and Williams of North Carolina.

NAYS—Messrs. Adams, Allen of Tennessee, Archer of Maryland, Baker, Baldwin, Bateman, Beecher, Bloomfield, Boden, Brown, Butler of New Hampshire, Campbell, Case, Clagett, Clark, Cook, Crafts, Crawford, Culbreth, Cushman, Darlington, Dowse, Edwards of Pennsylvania, Ervin, Folger, Foot, Forrest, Gross of North Carolina, Guyon, Hackley, Hall of Delaware, Hendricks, Hibshman, Hill, Hostetter, Jones of Virginia, Kinsey, Kinsley, Little, Linn, McCreary, McLane of Delaware, McLean of Kentucky, Mallary, Mason, Meigs, Metcalf, R. Moore, S. Moore, Morton, Murray, Newton, Parker of Massachusetts, Patterson, Philson, Pitcher, Plumer, Rankin, Rich, Robertson, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Shaw, Sloan, Smith of New Jersey, Smith of Maryland, Southard, Stevens, Storrs, Street, Taylor, Tompkins, Trimble, Van Rensselaer, Wallace, Wendover, Whitman, Williams of Virginia, and Wood.

Mr. BUTLER, of New Hampshire, renewed the motion to strike out *ten* and insert *five* per cent. as the duty; and the yeas and nays were called, but refused. The motion was lost.

Mr. STORRS moved to strike out *ten* and insert *three* per cent.; which was also negatived.

Mr. SMITH, of Maryland, moved to strike out the thirteenth section, which provides that if any goods imported shall sell for more than the prime cost an additional duty of — per cent. shall be laid on such sale.

The motion was agreed to.

Mr. CULBRETH renewed his motion to strike out *ten*, and insert *six* per cent.; which was negatived.

The question was then taken on ordering the bill to be engrossed and read a third time, and decided in the negative—yeas 72, nays 77, as follows:

YEAS—Messrs. Adams, Allen of Tennessee, Baker, Baldwin, Bateman, Beecher, Bloomfield, Boden, Brown, Campbell, Case, Clark, Cook, Crawford, Culbreth, Cushman, Darlington, Dowse, Edwards of Pennsylvania, Ervin, Folger, Foot, Forrest, Gross of New York, Guyon, Hackley, Hall of Delaware, Hendricks, Hibshman, Hill, Hostetter, Kinsey, Kinsley, Little, Linn, McCreary, McLane of Delaware, McLean of

H. OF R.

Adjournment of Congress.

MAY, 1820.

Kentucky, Mallery, Mason, Meigs, R. Moore, S. Moore, Morton, Newton, Parker of Massachusetts, Patterson, Philson, Rich, Robertson, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Shaw, Sloan, Smith of New Jersey, Smith of Maryland, Southard, Stevens, Street, Strong of Vermont, Taylor, Tompkins, Trimble, Van Rensselaer, Wallace, Wendover, Whitman, and Wood.

NAYS—Messrs. Alexander, Anderson, Archer of Maryland, Archer of Virginia, Ball, Barbour, Bayly, Bryan, Buffum, Burton, Burwell, Butler of New Hampshire, Butler of Louisiana, Cannon, Claggett, Cobb, Cocke, Crafts, Culpeper, Cuthbert, Dennison, Earle, Eddy, Edwards of Connecticut, Edwards of North Carolina, Fisher, Floyd, Fuller, Fullerton, Garnett, Gross of Pennsylvania, Hall of New York, Hall of North Carolina, Hardin, Heister, Holmes, Hooks, Johnson, Jones of Virginia, Jones of Tennessee, Kent, Livermore, Lowndes, Maclay, McCoy, Mercer, Metcalf, Monell, Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Virginia, Pinckney, Pindall, Plumer, Rankin, Rhea, Ringgold, Settle, Silsbee, Simkins, Slocumb, Smith of North Carolina, Storrs, Strong of New York, Swearingen, Tarr, Terrell, Tracy, Tucker of Virginia, Tucker of South Carolina, Walker, Warfield, Williams of Virginia, and Williams of North Carolina.

And so the said bill was rejected.

Mr. BUTLER, of New Hampshire, then moved that the House do reconsider the vote just taken on the question to engross the said bill; when the House adjourned.

WEDNESDAY, May 3.

The SPEAKER laid before the House a letter from the Secretary of War, transmitting a copy of the proceedings of the court martial in the trial of Colonel William King, of the 4th regiment of infantry, and a copy of the orders and documents connected therewith, communicated in obedience to the resolution of the 18th of April last; which was referred to the Committee on Military Affairs.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting sundry documents and statements in relation to the receipts and expenditures of the Department for Indian Affairs, communicated in obedience to the resolution of the 10th ultimo; which were referred to the Committee on Indian Affairs.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, to whom was referred the letter from the Secretary of War, of the 23d of December last, reported a bill to increase the number of clerks in the Department of War; which was read twice, and committed to a Committee of the Whole to-morrow.

On motion of Mr. WILLIAMS, of North Carolina, the House took up and proceeded to consider the resolution submitted by him on the 29th ultimo, for the appointment of a standing committee to be denominated "The Committee on Agriculture;" and the resolution was agreed to by the House; and ordered that the committee consist of seven members.

Mr. MERCER moved that the House do now proceed to consider the bill to provide for clothing

the militia when called into the service of the United States; which motion was rejected by the House.

The House took up and proceeded to consider the joint resolution to extend the use of the Library of Congress to the Secretary of the Senate and to the Clerk of the House of Representatives, during the recess of Congress; and the said resolution being amended at the Clerk's table,

Mr. SMITH, of North Carolina, moved further to amend the same, by including therein the Superintendent of the Patent Office; which motion was rejected.

The resolution was then ordered to be engrossed and read a third time to-morrow.

A message from the Senate informed the House that the Senate have passed a bill of this House, entitled "An act for the relief of Abijah Hunt and William Gordon Forman," with an amendment, in which they ask the concurrence of this House.

The amendments of the Senate to the bill for the relief of the heirs of Abijah Hunt were agreed to.

The bill from the Senate for the relief of John H. Piatt was read a third time.

The bill which authorizes a settlement of Mr. Piatt's accounts on equitable principles, gave rise to a debate of considerable length, in which many gentlemen engaged.

At length the question was taken on the passage of the bill, and decided in the affirmative.

The bill from the Senate "further to regulate the Medical Department of the Army," was read a third time, and passed.

The bill from the Senate for the relief of Susanah Stewart was also read a third time, and passed.

CHARTER OF WASHINGTON.

The House then proceeded to consider the bill from the Senate for renewing and amending the Charter of the City of Washington, with the amendments thereto reported by the committee of this House. These amendments propose, principally, that the election of Mayor shall be by Electors, instead of by the people, as the bill prescribes; and that the city shall be divided into *five* instead of *six* wards. These amendments were not agreed to, though some others of less importance were.

Mr. STREET then moved to amend the bill by striking out the clause empowering the corporation of the city to authorize lotteries for the purposes of public improvement; which motion, after some little debate, was agreed to. And, thus amended, the bill was ordered to be read a third time to-morrow.

ADJOURNMENT OF CONGRESS.

The House then proceeded to the consideration of the Senate's resolution, proposing to fix a day for the adjournment of Congress.

The question being on what day to fix for the adjournment—

Mr. LOWNDES, on the ground of a doubt whether the House could now decide by what day it could get through the business necessary to be done, moved to lay the resolve again on the table.

MAY, 1820.

Duties on Sales at Auction.

H. OF R.

On this motion arose a desultory debate, in which Messrs. LOWNDES, ROBERTSON, HOLMES, FOOT, FLOYD, RHEA, WALKER, and SERGEANT, took part.

In the course of this debate, Mr. HOLMES suggested that it was more than probable that a communication would shortly be made to Congress by the Executive, respecting our foreign affairs, which would require two or three days' deliberation.

On this suggestion, Mr. FLOYD remarked, in advocating an early adjournment, that he should yet not be unwilling to sit longer, if there was any occasion for legislation in respect to our relations with Spain; but on that subject the House had had message, and report, and re-report, until he was reminded of the fable of the shepherd and the wolf, &c.

The motion to lay the resolution on the table was negatived by a small majority.

Mr. NEWTON then moved to postpone the further consideration of the resolution to Saturday next, on which day, he said, it was expected that a message would be transmitted by the Executive, containing information respecting our relations with Spain, without which it would be highly impolitic to adjourn.

This motion was negatived.

The question was then taken on fixing on the eighth day of this month (next Monday) for adjournment, and negatived by a considerable majority.

Mr. TRIMBLE then moved to fix on the 12th instant, as the day of adjournment; which motion was also negatived.

Mr. HOLMES then moved to fix on the 15th for adjournment; which was agreed to; and, thus amended, the resolution was passed, and returned to the Senate for concurrence in the amendment.

DUTIES ON SALES AT AUCTION.

The House then took up the motion, depending on yesterday's adjournment, to reconsider the vote rejecting the bill for laying duties on sales at auction. Whereupon,

Mr. BUTLER, of New Hampshire, withdrew his said motion, and submitted the following resolution:

Resolved, That the Secretary of the Treasury be directed to communicate to this House, at the commencement of the next session of Congress, an estimate of the deficit in the revenue, which may ultimately arise from the adoption of the proposed tariff, and also what amount of revenue may be derived from a duty on sales at auction and on spirituous liquors distilled from grain and other domestic materials.

And the question being taken, that the House do now proceed to consider the said resolution, it was decided in the negative.

Mr. STORRS then renewed the motion to reconsider the vote rejecting the bill laying duties on certain sales at auction.

And after a few remarks from Mr. METCALF and Mr. WOOD in favor of reconsideration, and from Mr. WARFIELD in favor of a postponement till to-morrow, which was negatived; the question

was taken by yeas and nays, on Mr. STORRS's motion, and decided in the affirmative—yeas 84, nays 62, as follows:

YEAS—Messrs Adams, Allen of New York, Baker, Baldwin, Bateman, Beecher, Bloomfield, Brown, Brush, Butler of New Hampshire, Campbell, Case, Clark, Cocke, Cook, Crawford, Culbreth, Cushman, Darlington, Dennison, Dewitt, Dickinson, Dowse, Edwards of Pa., Folger, Foot, Ford, Forrest, Gross of New York, Guyon, Hackley, Hall of New York, Hall of Delaware, Hendricks, Herrick, Hill, Hostetter, Kendall, Kinsey, Kinsley, Little, Linn, Lyman, McCreary, McLane of Delaware, McLean of Kentucky, Mallary, Mason, Meigs, Metcalf, R. Moore, S. Moore, Morton, Murray, Newton, Parker of Massachusetts, Patterson, Philson, Rich, Richmond, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Shaw, Sloan, Smith of New Jersey, Smith of Maryland, Southard, Stevens, Storrs, Street, Strong of Vermont, Tarr, Taylor, Tomlinson, Tompkins, Trimble, Tucker of Virginia, Wallace, Wendover, and Wood.

NAYS—Messrs. Abbot, Alexander, Anderson, Archer of Maryland, Archer of Virginia, Ball, Barbour, Bayly, Brevard, Bryan, Burton, Butler of Louisiana, Cannon, Clagett, Crafts, Crowell, Cuthbert, Earle, Eddy, Edwards of Connecticut, Edwards of North Carolina, Fisher, Fuller, Fullerton, Garnett, Gross of Pennsylvania, Hall of North Carolina, Hardin, Heister, Holmes, Hooks, Johnson, Jones of Virginia, Kent, Livermore, Lowndes, Maclay, McCoy, Marchand, Mercer, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Virginia, Pinckney, Pindall, Plumer, Rankin, Rhea, Ringgold, Settle, Sillsbee, Smith of North Carolina, Strong of New York, Swearingen, Terrell, Tracy, Tucker of South Carolina, Warfield, Williams of Virginia, and Williams of North Carolina.

The bill then received sundry amendments.

On motion of Mr. BALDWIN, the duty of ten per cent. on sales of certain enumerated articles (dry goods, &c.,) was stricken out, so as to leave that item blank.

Various rates of duty were proposed by way of substitute to the ten per cent., viz:

Mr. STORRS proposed *four* per cent.

Mr. SERGEANT proposed *seven and a half*.

Mr. DENNISON proposed *three*.

Mr. CASE proposed *six*.

Mr. TRACY proposed *two*.

Mr. TAYLOR proposed *eight*.

The question was first taken on the highest rate proposed, (*eight* per cent.,) and negatived; the question on the two next highest rates proposed, as above, were also decided in the negative; but,

On the question to fill the blank with *five* per cent., it was decided in the affirmative.

On motion of Mr. McLEAN, of Kentucky, the bill was amended by striking out the words "on articles manufactured in the United States, one dollar."

Mr. DENNISON moved to amend the bill by striking out the following clause:

"And if any goods, wares, and merchandise, shall be sold at auction in any other manner, or in any less quantities, dimensions, or weight, than those contained in the original bales or packages in which they shall have been imported, there shall be levied and paid an

H. OF R.

Duties on Sales at Auction.

MAY, 1820.

additional sum of five dollars for every hundred dollars of the purchase money arising from such sales."

And the question on this motion was decided in the negative.

Mr. CULBRETH then moved to amend the above clause by striking out the word *five*, and inserting in lieu thereof, *two and a half*. And the motion was negatived.

The question was at length taken on ordering the bill to be engrossed for a third reading, and decided in the affirmative—yeas 93, nays 58, as follows:

YEAS—Messrs. Adams, Allen of New York, Baker, Baldwin, Bateman, Beecher, Bloomfield, Brown, Brush, Butler of New Hampshire, Campbell, Case, Clagett, Clark, Cocke, Cook, Crawford, Culbreth, Cushman, Darlington, Dennison, Dewitt, Dickinson, Dowse, Earle, Edwards of Pennsylvania, Ervin, Folger, Foot, Ford, Forrest, Fuller, Gross of New York, Guyon, Hackley, Hall of New York, Hall of Delaware, Hendricks, Herrick, Hill, Hostetter, Jones of Tennessee, Kendall, Kinsey, Kinsley, Little, Linn, Lyman, McCreary, McLane of Delaware, McLean of Kentucky, Mallary, Marchand, Mason, Meigs, Metcalf, R. Moore, S. Moore, Monell, Morton, Murray, Newton, Parker of Massachusetts, Patterson, Philson, Plumer, Rankin, Rich, Richmond, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Shaw, Sloan, Smith of New Jersey, Smith of Maryland, Southard, Stevens, Storrs, Street, Strong of Vermont, Taylor, Tomlinson, Tompkins, Trimble, Van Rensselaer, Wallace, Wendover, Williams of Virginia, and Wood.

NAYS—Messrs. Abbot, Alexander, Anderson, Archer of Maryland, Archer of Virginia, Ball, Bayly, Brevard, Bryan, Buffum, Burton, Butler of Louisiana, Cannon, Cobb, Crafts, Crowell, Culpeper, Cuthbert, Eddy, Edwards of Connecticut, Edwards of North Carolina, Fisher, Fullerton, Garnett, Gross of Pennsylvania, Hall of North Carolina, Hardin, Heister, Holmes, Hooks, Johnson, Jones of Virginia, Kent, Livermore, Lowndes, Maclay, McCoy, Mercer, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Virginia, Pinckney, Pindall, Rhea, Ringgold, Settle, Smith of North Carolina, Strong of New York, Swearingen, Tarr, Terrell, Tracy, Tucker of Virginia, Tucker of South Carolina, Warfield and Williams of North Carolina.

The bill was then ordered to be read a third time to-morrow.

THURSDAY, May 4.

On motion of Mr. WOODBRIDGE, the Secretary of the Treasury was directed to prepare and report to this House, at the next session of Congress, such modification of the existing system regulating the commerce, navigation, and revenue of the United States, as he may consider necessary, and peculiarly applicable to the northern and northwestern frontier thereof.

A message from the Senate informed the House that they have passed the bill of this House, entitled "An act for the relief of the legal representatives of Henry Willis, deceased," with an amendment. And they have passed a bill, entitled "An act to revive the powers of the Commissioners for ascertaining and deciding on claims to land in the district of Detroit; and for settling the claims to

land at Green Bay and Prairie des Chiens, in the Territory of Michigan;" in which amendment and bill they ask the concurrence of this House.

A resolution on its third reading, for extending the use of the Library of Congress to certain officers of the Government, in addition to those who are now allowed the use of it, gave rise to some objections from Mr. LIVERMORE and Mr. TAYLOR, the latter of whom moved to postpone the same indefinitely. The objections were, that the extension of the permission to take the books out of the Library would tend to impair and deface what was intended for the ornament as well as for the exclusive use of Congress; that, if the use of the Library was extended as proposed, it ought also to be further extended on the same principles—but that it was altogether needless to pass the resolve, inasmuch as the Library was open three times a week during the recess, and daily during the session, and might be consulted at pleasure by the officers in question.

The motion for indefinite postponement was agreed to.

The bill from the Senate to revive the powers of the Commissioners, for deciding on land claims in the district of Detroit, &c., was twice read and referred to the Committee on Private Land Claims.

The amendment proposed by the Senate to the bill entitled, "An act for the relief of the legal representatives of Henry Willis, deceased," was read, and concurred in by the House.

DUTIES ON SALES AT AUCTION.

The engrossed bill laying duties on certain sales at auction was read the third time.

[This bill proposes to lay a duty on all sales of foreign goods at auction, (except sales under judicial process, &c.,)—of one per cent. on the amount of sales of groceries, and that class of articles, and of five per cent. on the amount of sales of woollens, cottons, and certain other manufactured articles.]

Mr. RHEA delivered at length his views in decided opposition to the bill.

Mr. WENDOVER made some remarks in reply to Mr. RHEA, and stated a number of facts illustrative of the extent and nature of the auction business, and its injurious operation on the retailing business.

Mr. RHEA made a few observations in reply to Mr. WENDOVER.

Mr. MACLAY assigned the reasons why he should vote against the bill.

The question on the passage of the said bill was then taken by yeas and nays, and decided in the affirmative: For the passage of the bill 89, against it 61, as follows:

YEAS—Messrs. Adams, Allen of Tennessee, Baker, Baldwin, Bateman, Beecher, Boden, Brown, Brush, Butler of New Hampshire, Campbell, Case, Clagett, Clark, Cocke, Cook, Crawford, Culbreth, Cushman, Darlington, Dennison, Dewitt, Dickinson, Dowse, Edwards of Pennsylvania, Ervin, Folger, Foot, Ford, Forrest, Fuller, Gross of New York, Guyon, Hackley, Hall of New York, Hendricks, Herrick, Hill, Kendall, Kinsey, Kinsley, Little, Linn, Lyman, McCreary, McLane of Delaware, McLean of Kentucky, Mallary, Marchand, Mason, Meigs, Metcalf, R. Moore, S. Moore, Monell, Murray, Newton, Parker of Massa-

MAY, 1820.

The Loan Bill.

H. OF R.

chusetts, Patterson, Philson, Plumer, Rankin, Rich, Richmond, Robertson, Rogers, Ross, Russ, Sampson, Sawyer, Sergeant, Shaw, Sloan, Smith of New Jersey, Smith of Maryland, Southard, Stevens, Storrs, Street, Strong of Vermont, Taylor, Tomlinson, Tompkins, Trimble, Van Rensselaer, Wallace, Wendover, Williams of Virginia, and Wood.

NAVS.—Messrs. Abbot, Alexander, Anderson, Archer of Maryland, Archer of Virginia, Ball, Barbour, Bayly, Bryan, Buffum, Burton, Burwell, Butler of Louisiana, Cannon, Cobb, Crafts, Culpeper, Cuthbert, Eddy, Edwards of Connecticut, Edwards of North Carolina, Fisher, Floyd, Fullerton, Garnett, Gross of Pennsylvania, Hardin, Hazard, Heister, Holmes, Hooks, Johnson, Jones of Virginia, Kent, Lowndes, Maclay, McCoy, Mercer, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Virginia, Pinckney, Pindall, Pitcher, Reed, Rhea, Ringgold, Settle, Smith of North Carolina, Strong of New York, Swearingen, Tarr, Terrell, Tracy, Tucker of Virginia, Tucker of South Carolina, Walker, Warfield, and Williams of North Carolina.

So the bill was passed, and sent to the Senate for concurrence.

THE LOAN BILL.

On motion of Mr. SMITH, of Maryland, the House resolved itself into a Committee of the Whole, on the bill to authorize the President of the United States to borrow two millions of dollars, and for other purposes.

A debate arose on the provisions of this bill, which occupied the remainder of the day's sitting. What follows will serve to show the course of the debate.

Mr. SMITH, of Maryland, briefly explained the several provisions of the bill, and announced his intention to propose, in consequence of the proposed extent of the loan, (for twelve years,) that the interest to be paid thereon should be limited to five per cent. [If it cannot be borrowed at this rate, it may be raised by a temporary loan, at six per cent., which the Bank of the United States is to be authorized to lend.]

Mr. TRIMBLE of Kentucky, moved to strike out "two," and insert "five" in the first section, so as to create a loan for five millions, instead of two.

Mr. T. began by saying, that the first section of the bill proposes a loan of two millions, and the last section enacts that the balance of the Sinking Fund (which is \$2,378,398) shall be applied, in aid of the loan, to make good the deficit of 1820. It would, therefore, be proper to keep the whole bill in view upon the motion. If it was the pleasure of the House that the balance of the Sinking Fund should be so applied, then a loan of three millions would be necessary: perhaps more, certainly not less. If it was intended to leave the Sinking Fund to act upon its legitimate objects, then a loan of five millions must be made. He was decidedly hostile to the proposed application, or rather misapplication, of the balance of the Sinking Fund. It was his settled opinion that the ten millions of dollars appropriated for the redemption of the public debt was pledged inviolably for that purpose, and that it would be a breach of national faith to divert it to other ob-

jects, except in time of war, agreeably to the 7th section of the law of March, 1817, by which the fund was enlarged to ten millions. He read several paragraphs, from acts of Congress, in support of his opinion, and commented at some length upon the operation of the Sinking Fund, and the impropriety of changing the system, for the sake of saving appearances. This proposition, he said, presents two questions:

1st. Is the fund pledged to redeem the national debt? And, if not,

2d. Would it be sound policy to appropriate it to other objects?

He had expressed his decided opinion, that it was pledged; and, if it was not, he was against the policy of the measure. It would form a precedent which he could not tolerate. He could recollect of no instance in which a sinking fund, either here or in Europe, had been withdrawn, in time of peace, from its proper purposes. Ought we at this session to set an example so pernicious? If, said he, there is any one event which the people of the United States desire above all others, it is the total extinguishment of the public debt. They at least have a right to consider the fund as pledged. They ask you, what progress you are making in the redemption of the debt? And what is your answer? Why, sir, a bill containing two of the most odious fiscal propositions which could be offered to the nation—a loan, and a diversion of the Sinking Fund to the current expenses of the year. He urged other reasons against the proposition, and said that he would leave it with the committee, and turn his attention to the first section.

A loan, said he, is wanted this year, and another next; we are fairly afloat upon the plank of loans, and, whether we shall push the debt off, or it push us, is a problem which he would leave for time and tide to solve.

He was dissatisfied with the report of the committee. He was so understood by the chairman; and he had given notice that he should make the motion which he had submitted. He commended so much of the report as recommends retrenchment, and gave it his warmest approbation. But he objected to some of the fiscal facts, the arrangement which had been made of them, and the conclusions drawn from them. He had already shown that the proposed application of the Sinking Fund is a breach of public faith; and he intended to show—

1st. That the report is delusive, and calculated, in some respects, to mislead the country.

2d. That the policy and interest of the nation is decidedly against the system of finance proposed by the committee.

To have himself clearly understood, he would take the liberty of stating some facts which, upon this occasion, ought to be remembered; and this was a proper time to say, that he would state no facts except such as had been reported from the proper offices, and that he had taken some trouble to avoid mistakes. He would remark that, in making calculations, he had cast off all below fifty cents, and all above was carried to a unit.

H. OF R.

The Loan Bill.

MAY, 1820.

In January, 1791, the public debt was \$75,169,974. In 1793 we began the loan system, and continued it for twelve years, at which time the debt stood at eighty millions, vibrating during the whole time between seventy-five and eighty-five millions. He gave those twelve years to gentlemen who prefer *loans to reduction*. It was a section of the "road to ruin" that he would not travel in himself, nor would he advise others to go far along it. From 1805, when the loans ceased, the debt diminished rapidly until 1812, when it stood at forty-five millions. This result is an argument for those who recommend retrenchment and reduction. Experience proves that, so long as deficits are made good by loans, there is no reduction of public debt or current expenses.

The war debt, added to the last sum, made an aggregate, in 1816, of 123 millions; which has been since reduced, and on the 1st January last, stood at - - - - \$88,885,203

Part of this sum is redeemable at the pleasure of the Government, viz.
3 per cent. stock, \$13,225,915, and
5 per cent. stock, (subscribed to U. S. Bank,) \$7,000,000 - - - 20,295,915

Leaving a balance of funded debt,
at 6 and 7 per cent. - - - - \$68,589,288

This balance is redeemable at the following periods, and in the following sums; to each of which is added the annual interest accruing on the whole amount of the public debt, and the aggregate sum carried out so as to show at a single glance what sums are annually reimbursed until the year 1828:

1820, Jan. 1. Sundry items,
as per Treasury report - \$2,799,659
Interest on public debt this
year - - - - 4,911,843
\$7,711,502

1821. Deferred 6 per cent.
stock - - - - 534,033
Interest this year - - - 4,773,737
5,307,770

1822. Deferred 6 per cents. 566,588
Interest this year - - - 4,741,182
5,307,770

1823. Deferred 6 per cents. 602,836
Interest this year - - - 4,704,934
5,307,770

1824. Balance deferred 6
per cents. - - - 356,858
Interest this year - - - 4,666,267
5,023,126

1825. War stock, at 6 per
cent. - - - - 18,870,405
Interest this year - - - 3,440,411
22,310,817

1826. War stock, as above 22,357,368
Interest this year - - - 2,098,969
24,456,338

1827. War loan, at 6 and
7 per cent. - - - 13,011,437
Interest this year - - - 1,318,283
14,829,721

1828. War loan, as before 9,490,099
Interest this year - - - 748,877
10,238,976

Still leaving the 3 and 5 per cents. redeemable at the pleasure of the Treasury.

He said he would have to refer to these items hereafter, and would, therefore, waive them for the present, and take up the report of the Chairman of the Committee of Ways and Means, and would—

1st. Take the chairman's facts as the basis of his calculation, and, by putting items in their proper places, show the true deficit for 1820.

2d. Upon the same basis, he would show a deficit for 1821, of certainly \$4,000,000, and probably \$6,000,000.

The report begins this subject by enumerating the *items* of revenue for 1820, to some of which, he said, he had the most decided objections, and others would be unavailing this year. The third bank bonus, or instalment, as the law calls it, does not fall due until the first day of January, 1821, and yet it is set down as available funds in 1820. This is taking a loan from next year to supply the deficit of this. It is enough if we permit each year to swallow itself. But, by this report, 1820, after devouring itself, and all the crumbs and fragments of last year, begins to gormandize upon 1821, at the rate of a bank bonus per meal. The second bonus, due in January last, is carried to the balance in the Treasury this year; and the third bonus belongs to next year; and, if he was not greatly mistaken, it would be wanted to make good deficits in that year. To use it this year is only covering the deficit with cobwebs.

Again: A bank dividend is stated for July next, at four per cent., making \$280,000; and, to be consistent, the dividend in January, 1821, ought to have been carried back with the bonus, as funds for 1820. But there is no reason to believe that any dividend will be made in July; if one is made, it will be for the sake of demonstration; it will be to keep up appearances.

Again: The revenue from public lands is stated at two millions. These funds will be deposited in banks in Ohio, Indiana, Missouri, Mississippi, Alabama, and other places. The whole disbursement of public money west of the mountains is only about \$1,250,000 per annum, and the balance must be remitted to Philadelphia, and placed east of that, before it is available funds for the Treasury. It is found that eight or nine months are required to transmit money from the Western country to the Treasury.

The operation is usually performed by the United States Bank, but four months' notice is demanded, and it is about four months after payments are made before they are deposited, so that a notice can be given to the bank, and requisition made upon it to effect the transmission. These moneys are paid in specie or bank notes. If in specie, it would take four months, and cost two and a half per cent. to transfer it to the Treasury. If in paper, the remittance cannot be made by the bank at an earlier day than that stated, without loss to the institution; and if the local bank notes

MAY, 1820.

The Loan Bill.

H. OF R.

were transmitted, the loss to the Treasury would be from five to twenty per cent. In fact, the loss upon public funds paid in the Western country is about three per cent., if the money lying idle and useless may be called a loss. Now it is admitted that Kentucky and Ohio hemp is worth two and a half more than Russia hemp, and upon these facts he would ask if it would not be wise for the Government to purchase Western hemp for the navy at five per cent. above the price of Russia hemp, and also procure clothing for the army, and other supplies, if to be had, in the Western country, at an advance of from three to five per cent. on the current price of imports? The bill which was passed a few days since, on this subject, ought to be carried into effect by the departments without delay. The people of the West would begin to look into this matter. You make us pay our dues in cash. We have neither loans nor credits. The Eastern people get all the money, all the credits, and all the loans. Surely our agriculture and manufactures may for the future expect to receive that encouragement which can be given to them without loss to the public. If he should live to take his seat here next session, he would find it his duty to inquire pretty closely into the prices which may be given by public agents during this summer for clothing and hemp, and one or two other articles of Western growth or manufacture.

He would proceed with the report. The items he had named ought to be deducted from the estimate of the available funds for the current year.

The total receipts of the year are stated at	- - - - -	\$22,525,665
Deduct therefrom the bank bonus	- - - - - 500,000	
Deduct therefrom the bank dividends	- - - - - 280,000	
Deduct therefrom money in transit	- - - - - 750,000	
		<u>1,530,000</u>

Leaving available funds for 1820,	<u>20,995,665</u>
-----------------------------------	-------------------

The current appropriations for the same year amount to	- - - - - 26,299,164
Deduct the above sum	- - - - - 20,995,665

Leaves a deficit for 1820, of	- - - - - 5,303,499
-------------------------------	---------------------

Which accords with the annual report from the Treasury Department. A single glance at the state of our foreign relations would indicate the necessity of a loan for five millions. The Secretary, of course, would only borrow so much of that sum as is wanted. A loan of less than three millions would, in his opinion, lead to a breach of public faith, or a call of Congress before December.

So much for 1820. The report of expenditures for 1821 is, he said, entirely delusive. The current expenses of the Government for the last five years has been upwards of fourteen millions of dollars: last year it amounted, including Revolutionary pensions, to \$16,422,946; and this year about the same. Add the sinking fund, and the total amount is, at least, \$26,000,000 per annum.

In 1819 the total expenditure was \$24,812,419 This year it is, (including Revolutionary pensions,) - - - - - 26,299,164

The unexpended balance of sinking fund makes the only material difference between 1819 and 1820. How the chairman expects to reduce it for 1821, to about eighteen and one half millions, was more than he could conjecture. There is a list of items which the report says may be deducted next year. But there are items of this sort every year, which go off the estimates, and others come on, to an equal amount, and sometimes greater. There are two modes of increasing expenditures which are always in operation: 1st. By passing laws creating new heads of service, and voting funds to carry them into effect. Pension laws and Indian treaties are of this class. 2d. By incidental and miscellaneous demands, which come up every year, and have to be provided for, (private claims and the like;) and the experience of twenty years has proven that these new demands which come upon the estimates, exceed the aggregate of old ones which are omitted. This very year we have about seven hundred and fifty thousand dollars in new items. Besides, the army is put upon stint and thrift for this year, and, my word for it, we shall next year be compelled to increase the army appropriation, and I dare say we shall have some deficits to make good.

The Committee of Ways and Means, he said, made a reduction in the estimates of this year of two millions of dollars; which, if it had been allowed, would have made the expenditure upwards of twenty-eight millions, leaving a deficit of more than seven millions.

If the revenue amounts to only twenty millions for the next four years, we may expect a deficit of about four millions per annum until the year 1823, when the permanent appropriation for the increase of the navy expires; after which the deficit will be three millions, and the figures stand thus, by estimate:

Current expenses and sinking fund for 1825	- - - - - \$23,000,000
Deduct the total of revenue, amount doubtful	- - - - - 20,000,000
	<u>3,000,000</u>
Deficit for that year	- - - - - 3,000,000
Add the public debt and interest, payable that year	- - - - - 23,310,817

Total deficit for 1825	- - - - - 25,310,817
------------------------	----------------------

The report of the honorable chairman is defective in not showing the amount of interest accruing and payable each year after 1824. The amount for 1825 is \$3,440,411, and must be added to the principal, to show the aggregate payable that year. It is useless to deceive ourselves on this subject. The chairman's plan of finance will leave us without a dollar to begin the heavy reimbursements of the year 1825. He exhausts the sinking fund every year, and leaves the public faith to rest upon chance, and the revival of trade and commerce.

The laws of Congress, Mr. T. again said, had given a solemn pledge that ten millions shall be annually applied in redemption of the national

debt; and he, for one, was resolved to hold it sacred. In the year 1824, the commissioners of that fund could, by law, call upon the Treasury for the balances unexpected for the two preceding years; which balances would be \$9,384,460; and these balances, if called for, would make the deficit of 1825 amount to \$34,695,277. It would have given him great pleasure to accord with the report in all respects, if he could have done so; more especially as it gives a view of our finances quite as favorable as the facts would warrant. What he had said gave a darker shade to the subject, but still he saw no reason to despond; for, notwithstanding the derangements of commerce and the pressure of the times, our condition is far superior to that of any other nation. A contrast, for instance, between our fiscal concerns and those of Great Britain, would make the subject sufficiently clear to be understood.

In the year 1818, her national debt, funded and unfunded, amounted to - - - \$5,555,555,555

Our debt is only - - - 88,885,203

The annual expense of her Government is - - - 301,199,473

The maximum of ours is only - 26,000,000

Her deficit in 1818 was sixty-one millions of dollars, which she supplied by a loan. Ours, this year, is only five millions. The whole amount of expenses of our Government, from the 4th of March, 1789, to June 30th, 1819, a period of thirty years, was only five hundred and thirteen million five hundred and sixty-seven thousand one hundred and eight dollars; of which sum more than two hundred and fifty-three millions was paid in discharge of principal and interest of public debt, and about two hundred and sixty millions for the aggregate expenses of Government; from which it appears that the people of England pay as much in one year and nine months, as we do in thirty years. To this we must add their poor tax, which is an aggregate sum of from twenty-seven to thirty-six millions per annum.

The report of the committee, said Mr. T., gives the probable amount of revenue for next year, and various opinions have been expressed on that subject. As to the revenue from customs, he had satisfied himself that it would be at its minimum for this and the next year; and that it would afterwards gradually increase. He had a statistical table before him, showing the aggregate amount and value of imports for consumption for several periods, of seven years each, together with the average consumption of each year, and also the annual amount of customs accruing on the consumption of each year. He had selected the period from the first of January, 1794, to December, 1800, as the basis of an inference, and upon the supposition that each individual will consume as much of imports for the next seven years, as was consumed by each during that period, the amount of revenue, from the next seven years, will amount to at least twenty-three millions of dollars. This result is founded upon the tariff as it stood from 1794 to 1800, and he thought it probable that the increase of duties since that time would equal the decrease of consumption. He knew it was impos-

sible to be exact on such subjects, because all the facts are not tangible; but it is quite reasonable to suppose that the ratio of population and consumption is about the same now as then. The amount of imports would be determined by the demand for consumption, and the ability of the nation to pay for them: or take another principle, and say that the amount of imports will equal the amount of exports; and upon either principle, or any statistical principle, it will be found that our revenue from customs will be about twenty-two millions, and a probable increase. Great allowances, however, must be made for the pressure of the times, and the results of past years may afford no criterion upon which estimates can be made for the future.

Recurring again to the report, he said that those who chose to take the trouble of examining this subject, will find, that, in the year 1816, the annual income of the Treasury was stated at twenty-two millions, and the disbursements at the same sum; but the actual receipts have greatly exceeded the estimates, and it appears that upwards of thirty-two millions of funded debt have been paid during the last three years; and that about thirty millions have, in the same period, been expended in discharge of Treasury notes, Mississippi stock, arrears of War debt unfunded, and various other demands, exclusive of the current expenses of each year, which have also been paid. From all which it appears that the deficit of this year is not owing to any mistake in the estimates of the Treasury Department, or any failure of revenue heretofore, but is chargeable mainly to the liberal manner in which Congress has authorized disbursements.

We had been flattered with a hope that the Secretary had made a mistake as to the amount of the deficit in the Treasury; but, after making the reduction of more than two millions from the estimates, there still remains a deficit to the amount stated by him in his annual report. It is now beyond question, that the disbursements of this and succeeding years will surpass the receipts at the Treasury, and any system of expedients will only react upon us, at the next session, with additional force. The best way would be to take the advice of the Secretary of the Treasury, and reduce the expenditures. We must do so at the next session, or revive the late system of internal taxation. This, he was sure, would not be submitted to by the nation, until reductions are first made, and the sooner we begin the work the better. He said he had stated such of his objections to the report of the committee as are materially connected with the loan bill; in doing which, his only object was to have the facts distinctly understood before a vote is taken. If the House should conclude to use the Sinking Fund in aid of the revenue for this year, he hoped they would raise the loan to three millions, without which, he was sure, the Treasury would be aground before the next session.

Mr. STORRS followed, on the same side of the question as Mr. TRIMBLE. He too doubted the correctness of the estimates of revenue for the present year, and therefore urged that the proposed amount of the loan was too small. He was also

MAY, 1820.

Duties on Sales at Auction.

H. OF R.

of opinion that a due regard to the public faith required that the surplus of the Sinking Fund should not be applied to the expenses of the current year, &c. In the course of his speech, Mr. S. gave notice that he should call up his motion looking to a system of internal revenue, with a view of amending it so as to make it a resolution calling on the Secretary of the Treasury to report to Congress, at the next session, a system of internal taxation adapted to any deficiency in the revenue arising from the excess of the expenditures of the Government over its receipts.

Mr. S. SMITH replied to Mr. TRIMBLE and Mr. STORRS. He denied that there was any invasion of the faith of the Government as pledged in regard to the Sinking Fund. He defended the report of the Committee of Ways and Means, point to point, and argued that it would be absurd to borrow money and pay interest on it, that it might lie idle in the Treasury, as this money must do, if borrowed, since it could not be employed in the redemption of the public debt, unless (of which there was no probability) it should be in the market at or below par.

Mr. LOWNDES made a few remarks in favor of the bill, but also in favor of a somewhat larger amount of loan than two millions, thinking that a loan of that amount left too little surplus for contingencies. On the subject of the Sinking Fund, he took the same ground as Mr. SMITH, and entirely denied that the application of the idle surplus of that fund to the current expenses of the Government was at all inconsistent with the laws creating and regulating that fund.

Mr. BALDWIN spoke in favor of a loan of five millions, and of course against that part of the bill which relates to the surplus of the Sinking Fund, which fund, according to his construction of the law, was sacredly pledged to the sole purpose of paying the public debt, and inapplicable to any other unless during war—a case specially provided for, and therefore excluding any other contingency.

Mr. BARBOUR controverted Mr. BALDWIN'S construction of the law. He contended that any surplus of the Sinking Fund, which could not be applied to the purchase of the public debt at or under par, might be applied to the ordinary purposes of the Government—being idle and useless in the hands of the Commissioners of the Sinking Fund until at the end of two years it reverts to the Treasury.

Mr. BALDWIN and Mr. TRIMBLE both spoke in reply, the latter much at large; when, after a session of about six hours, the Committee rose and the House adjourned.

FRIDAY, May 5.

DUTIES ON SALES AT AUCTION.

Immediately after the meeting of the House, the following proceedings took place:

Mr. FORD, of New York, was speaking when the Reporter entered the Chamber. He was stating the general reasons which had induced him to vote for the tariff bill, (which was yesterday rejected in the Senate,) and which also induced him,

in connexion with that bill, and, as a part of a general system, to vote on the bill for laying duties on sales at auction, which yesterday passed this House. The tariff bill, had it passed, he said, would not in his opinion have operated to enhance to the consumer the price of imported goods—believing that the whole difference between the present and the proposed duty would have accrued to the Government, without its operating as a tax on the people, &c. He approved of that bill, and of the auction duty as connected with it; but, as there was now no prospect of the passage of the tariff bill, and as he considered the auction-duty bill as necessarily connected with it, he moved to reconsider the vote of yesterday, whereby the auction-duty bill was passed. His object was, on its being reconsidered, to move to postpone the bill to the next session.

The question having been stated from the Chair—

Mr. COCKE, of Tennessee, said he had supposed this bill, which passed yesterday, had taken the course of other bills, and had been yesterday transmitted to the Senate for its concurrence, until information to the contrary had been given to the House. Had the same expedition been pursued in regard to this bill as had been pursued in regard to certain other bills, the motion for reconsideration could not have been made. Under the circumstances, he considered this motion as not a little extraordinary. The bill had been once debated and rejected; then reconsidered and amended; then debated and ordered to a third reading; and on a subsequent day read a third time and passed; and now, on the next day, it was again proposed to be reconsidered! For his part, he said, he was not made of such pliable materials as to be persuaded to go into a measure on one day, and out of it the next. For a course so inconsistent, he could not possibly give his vote. If it was right to pass this bill yesterday, it was certainly right to pass it to-day; for the same state of things exists now as did then. He therefore requested that, when the vote on the question of reconsideration was taken, it should be by yeas and nays, and that there should be a call of the House on the occasion.

[Mr. SPEAKER stated, for the information of the House, and in justification of the Clerk of the House, that he had known of no intention to move a reconsideration of the bill until this morning; that yesterday indisposition had prevented his carrying the bill to the Senate, and this morning the Senate had not yet met. The general import of the Speaker's observations was, that no blame was imputable to the Clerk on the occasion.]

Mr. BALDWIN assigned the reasons why he should vote in favor of the reconsideration. On the question to reconsider this bill the other day, with a view to revive it after its rejection, he had voted in the negative. The House would recollect that, when he moved to strike out ten per cent., the amount of duty proposed to be laid on sales of dry goods, he had done so against his own opinion, believing that in that shape the bill would not answer the object he had in view. He was opposed

H. OF R.

Duties on Sales at Auction.

MAY, 1820.

to the reconsideration of the bill at this time, because he was of opinion that it was better to do nothing, or do what ought to be done.

The bill had now assumed an aspect totally different from that in which it was reported by the committee; it was now a mere revenue bill, or, if it would have any other operation, it would be a partial one, confined to one class of the community. As a revenue bill, he said, it had been well remarked by his colleague, (Mr. SERGEANT,) that its operation would be partial, and therefore unjust. It was now distinctly avowed by the Committee of Ways and Means, that it was not their intention to introduce a new revenue bill. Let the House remark, said Mr. B., that the system reported by the Committee of Manufactures would have had the effect to supply the deficiency in the revenue, let what alarm may have been raised on the score of the effect of the tariff bill on the revenue. But, the other part of the system being destroyed, he was not disposed to retain this disjoined branch of it. With respect to the auction duty, he had another objection to it. Whilst it was connected with a general system, for important general purposes, the States which derived a revenue from the same object would be willing to give it up. Now, no such purpose would be answered by the bill; and, as a Representative of a State whose revenue would be impaired by it, he did not see why the interests of two States deriving revenue from this object should alone be sacrificed, not to general but to partial views. The solitary object of this bill, besides putting a little money into the Treasury, was to aid the merchants of this country in competition with those of another country in our markets. As a measure, he said, if the old system of revenue was good—if it had carried us so triumphantly through peace and through war, there was no occasion for this little accession to it; and, if it was unsound, and not to be relied on, this partial aid was not what it required. He should, therefore, in every view, vote for the reconsideration of the bill, and then for its postponement.

Mr. LIVERMORE wished, before he voted for the reconsideration, to have a distinct pledge, that the object of the reconsideration was to postpone the bill, and not to amend and repass it. There was something about this bill, he said, which he could not understand. One day it is a revenue bill; the next day, a bill for the encouragement of manufactures; and the next day something else. He expressed some surprise at the quarter in which hostility to the bill was now manifested. Who, he asked, were the fathers of the bill? The Committee of Manufactures; and yet to-day the chairman of that committee wishes to destroy the bill. This reminded him of Abraham, offering up his son Isaac as a sacrifice on the altar. With regard to this bill as a measure of revenue, Mr. L. thought there was no occasion for it. He was of opinion that the revenue was large enough for the purposes of the Government; and, if there was a proper retrenchment of the public expenditure, that there would at the present day be no complaint of a deficiency of revenue under our present

system of imposts, which, he said, had been a faithful friend, and was entitled to continued confidence. Mr. L. made some other remarks, which were not distinctly heard by the reporter.

Mr. STORRS was opposed to the reconsideration of the bill. By suffering it to pass, he said, Congress would be able to ascertain the extent of the evil to which it was necessary to apply a remedy. It was important, with a view to devising hereafter a system for the protection of domestic industry, to understand with precision the extent of the evil under which it labors from the sales of foreign goods, &c. Congress would then be able to apply a remedy with some degree of certainty. The bill was of some importance, too, he admitted, as a measure of revenue. Mr. S. said he was not one of those who, because they could not have a perfect system, would not have any addition whatever to the revenue. If the passage of this bill would do no prejudice to any class of the community, what harm could it do to raise four or five hundred thousand dollars of revenue, without any expense whatever to the Government? On this subject of internal revenue, Mr. S. said he wished to be understood. Gentlemen talked of internal taxation, as if it implied direct taxation. No such thing, he said. It would be long before he consented to enter a man's doors to tax his property, or lay a tax directly on his land. But here was a bill which would produce a revenue of half a million; and he saw no reason for rejecting it. Besides, he said, the manufacturers ought to support this bill. Because they could not obtain a duty of ten per cent. on sales of foreign manufactures, would they therefore refuse a duty of five per cent.? It could not be denied, he said, that a duty of five per cent. on sales at auction would be a serious impediment in the way of sales of foreign goods at auction. Mr. S. contended that this was a very important bill, if there never passed another, in favor of the manufacturers of the country; and he would not consent to destroy it because every thing which they wanted could not be accomplished.

Mr. McLEAN, of Kentucky, said he could not give a vote on this question without expressing his hope that the motion for reconsideration would not prevail. He did not consider the three bills which had been before the House dependent on each other, but considered each of them good independently of the other; and he could see no reason why the bill now under consideration should be prevented from going to the Senate. He believed it would have the effect to prevent the vast circulation of foreign manufactures through the country, and therefore would aid our manufactures; that it would be beneficial to the revenue; and that it would also favor the real American merchant. Although in favor of manufactures, he was not opposed to the mercantile interest; and it appeared that a great portion of the business of the country was now done by foreign merchants. Believing that this bill would be beneficial to the manufacturing as well as to the mercantile interest, at the same time that it would aid the revenue, he could not but be in favor of its passage.

MAY, 1820.

Duties on Sales at Auction.

H. OF R.

Mr. CAMPBELL agreed with the gentleman who last spoke, that each of the three bills reported by the Committee of Manufactures was good, independently of each other. Though the Senate had rejected one of those bills which had passed this House, he yet thought this House should do its duty without reference to what the Senate had done. If the Senate prevented the adoption of the system, on them, where it belongs, let the responsibility be. It would not tell well, he said, to the nation, that the House had twice reconsidered and twice reversed its decision on the same bill.

Mr. RHEA made a few observations on the question. He was in favor of reconsideration now, because from the beginning he had been opposed to the bill. He remarked on the arguments in favor of this bill: at one time the bill was to create a revenue from sales of foreign goods—at another it was to exclude them from the market. These arguments, he contended, were incompatible with each other. He was content, he said, with the old revenue system, and with the old regulations of commerce, &c., notwithstanding the splendor and magnificence which gentlemen saw in this new one. Mr. R. made other observations, which the reporter was not able to hear: but the conclusion of them was, his being in favor of the reconsideration and postponement of the bill.

Mr. FOOT made a few remarks in opposition to the reconsideration of the bill. He adverted to the difficulty which attended the sale of domestic manufactures, from the immense proportion of foreign goods thrown into the market, and expressed his conviction that the passage of this bill would have an important effect, favorable to national industry, &c.

Mr. FULLER was opposed to a reconsideration of the bill. Although he had not spoken on either of the three bills which had been before this House, he had always avowed a strong inclination to do something that would promote the interest of the manufacturers of the country. Such, he was of opinion, would be the effect of this bill, creating a discrimination in their favor, in the competition with foreign goods, the sale of which at auction now fills the market, so as to leave no room for the domestic fabrics. This bill proposed to give to our manufactures, in addition to the advantage already enjoyed, a bounty of five per cent. in competition with the foreign fabrics of the same material and quality—an advantage of which the friends of manufactures ought to avail themselves. There would, he thought, be an indiscretion on the part of their friends in a reconsideration of this bill, and refusing to take what it offered, because they could not get all they wished. If this bill did not diminish the sales of foreign goods, it would serve to add, in no inconsiderable degree, to our revenue. He thought it would be wise to begin a system for the protection of manufactures, with a single experiment first. The passage and operation of this bill would prepare the different classes interested, for other measures of the same character, should others be deemed expedient, and the country would not be taken unprepared, by having the

whole mass thrown on them at once. He was, in every view, very much averse to the reconsideration of the bill.

Mr. SMITH, of Maryland said, that, as a friend alike to the three great interests of the country, he should vote against the reconsideration of this bill. He should, he said, have preferred that the duty had been fixed at ten per cent. on sales of dry goods; but at five per cent. much good would be effected by it. Besides, he said, it is not the wholesale sales of foreign goods that so much affect our domestic manufactures; and on sales of open goods the duty is ten per cent. Domestic manufactures could, under such a provision, be sent to auction without charge, whilst foreign goods would have to pay ten per cent. Would not that be an important advantage to the American manufacturer? It was the sales at vendue, he said, that distressed our manufacturers, by obstructing the regular sales of their goods. If the foreign goods imported were, as heretofore, opened in the dry goods stores, and sold out there to customers, our manufactures might come into competition with them; but it is the recent change of the usual habits of trade that oppresses our manufactures and recommends the passage of this bill. To the commerce of the country, this bill would also be beneficial. As a revenue bill, its passage would be important: the product of it could not be less to the Treasury than five hundred thousand dollars annually. In every point of view, he considered this bill one which it was important to pass. A little experience had taught him to believe that this bill would be even more important as an encouragement to our manufactures than the tariff bill.

Mr. JOHNSON said, that, in his vote on this bill, he should endeavor to preserve a consistency of character. He had voted against the famous navigation act of 1818; he had voted against the change in the mode of disposing of the public lands, he had had an opportunity of voting two ways already on the present question, and he should vote the third time precisely in coincidence with the votes he had already given. He inclined to think, he said, that a stranger who had attended the discussion this morning would believe that there were but two interests in the country. One gentleman said the bill would benefit the merchant; another that it would benefit the manufacturer. This was the best practical comment he had ever witnessed on the old doctrine of *let things alone*. Let people manage their own affairs, said Mr. J.—give no encouragement to this, that, or the other class. The people of this country understand their own interests, and will pursue them to advantage; but, whenever you attempt by legislation to make a favorite class by taxing other classes, you interfere to the prejudice of those classes, &c. Besides, Mr. J. was opposed to the passage of this bill, from regarding it as the first effort to introduce a system of internal taxation. In time of war, he said, he had already shown, by his vote, that he was willing to tax every thing; but, in time of peace, he was disposed to let every man tax himself what he pleased by his consumption of articles of foreign growth or manufacture.

H. OF R.

Duties on Sales at Auction.

MAY, 1820.

Mr. LITTLE, as friendly to manufactures as his friend from Pennsylvania (Mr. BALDWIN) could be, yet differed from him in opinion on this subject, being decidedly opposed to a reconsideration of the bill. Mr. L. in answer to a remark of Mr. RHEA, and to show what were the sentiments of the merchants of Baltimore on this subject, read an extract from their memorial to Congress, explanatory of the operation of the sales at auction of foreign goods, as destroying the business of the regular merchant, and being the cause of a great part of the failures, which for the last two years have occurred in our principal towns, and as serving as a cover for the vending of smuggled goods, &c. If the interest of the city of Baltimore alone were consulted by him on the occasion, he said he should probably vote against the bill, because she derives from sales at auction a revenue of forty thousand dollars annually; but, believing the bill would have an operation advantageous to the nation generally, he was obliged to forego the consideration of the immediate advantages of that duty to the city of Baltimore.

Mr. R. MOORE made some observations in favor of the reconsideration. He said he had been in favor of the system reported by the Committee of Manufactures, consisting of three parts. Two out of the three having been lost, one in this House, and the other in the Senate, he was opposed to retaining the third. In this course, he was governed by the law of circumstances. He could not consent that two or three States in the Confederation should be deprived of an important branch of their revenue, derived from sales at auction, when no important national object was to be accomplished by it. As to our manufactures, he did not consider the bill of any essential importance. As a measure of revenue, its operation would be partial, and would be in fact to divert the revenue from the treasuries of two or three only of the whole number of States, to the Treasury of the United States. Mr. M. extended his remarks to a greater length than they are reported, but to the effect above stated.

Mr. BALDWIN repeated, what he said he had before stated, that the bill, as it originally stood, had not been supported by him as proposing a prohibitory duty on auction sales; but because he did not believe that less than ten per cent. would place the American and foreign merchants on an equal footing in the market. With regard to this bill, it was now one thing, and, when it proposed a duty of ten per cent., it was a different thing. He begged the House to consider that the bill was now no longer the work of the Committee of Manufactures. In the minds of some gentlemen, however, it was, in its present shape, to protect manufactures as well as to aid the revenue. Gentlemen who had uniformly voted against the tariff, and some of whom had voted against this bill as it was reported by the committee, could now discover great beauty in it. It would help the revenue, they knew; it would help commerce, they knew; and it would help manufactures, too, if the House could but be persuaded by them to believe it. Gentlemen who had voted against the whole system

reported by the committee; who said that no further protection was wanted for manufactures, now that the bill was so changed as to be inefficient for its intended purpose, and partial in every other view—now that it was suited to tide-water only, were warmly in favor of it, as being more important than all the rest of the system reported, and now rejected. He wondered gentlemen had not thought of this when the cash duty bill was under consideration; but gentlemen were unwilling to touch that system—not the old system of 1799, but the venerable system of 1818—it was too holy to be touched, though affording, in its operation, a bounty to the foreign merchant of six per cent., &c. Even were this bill to pass, it had been contended by a gentleman of experience, (Mr. SILSBEE,) that it would be constantly evaded; and yet this was the bill which every one was to be satisfied with as a protection to manufactures. This bill, he said, as it now stood, if executed, would serve two purposes, but not the third and ostensible purpose. For that object, to pass it would be giving nothing; it would be giving worse than nothing, pretending to give something in form, but giving nothing in substance.

Mr. McLANE, of Delaware, said this subject had been some time before the House, and discussed at large; and he hoped that the decision then made in favor of the bill would not be hastily reversed. He had been in favor of the duty of ten per cent., but the House did not think proper to adopt it, and the friends of the bill, to insure its passage, had agreed to a less rate. The object of the bill, as it now stood, was, to bring revenue into the Treasury and to aid domestic industry. Its object, then, was precisely that of the tariff, and these two bills were correspondent and not dependent on each other. The rejection of the tariff bill by the Senate, was no reason why the friends of manufactures in this House should reject this bill. It is no reason to say, because you cannot get the whole, you will have nothing. The Senate, it is said, have inflicted a blow on the manufacturing interest of the country. Be it so. But it is a strong reason for refusing to reconsider this bill that the other bill has been rejected by the Senate. If this bill had passed with the duty of ten per cent., he believed it would have been more valuable to the manufacturing interest than the tariff bill, and at five per cent. he considered it as of great importance to that interest. It was now said, that this bill would be partial in its operation. So far as that argument would apply, it would be to the operation of the bill on our commercial cities. If the duties had remained at ten per cent., it would certainly have affected them more than it would as it now stood, at five per cent. But, he said, in the very States in which the bill would operate most, the manufacturing interest is a powerful one, and there is a strong bias in its favor. Mr. McLANE concluded, by repeating, that the obligation to pass this bill was now greater than it was before the other was rejected; and by expressing his earnest wish that the motion for reconsideration might not prevail.

The question was then taken on reconsideration.

MAY, 1820.

Senate Bills, &c.—Loan Bill.

H. OF R.

tion of the vote by which the bill laying duties on sales at auction was passed, and decided in the affirmative—yeas 86, nays 65, as follows :

YEAS—Messrs. Abbot, Alexander, Allen of New York, Anderson, Archer of Maryland, Archer of Virginia, Baker, Baldwin, Ball, Barbour, Bayly, Boden, Brevard, Burton, Burwell, Butler of Louisiana, Clark, Cook, Culpeper, Darlington, Dennison, Dewitt, Dickinson, Dowse, Eddy, Edwards of Connecticut, Edwards of North Carolina, Fisher, Floyd, Ford, Fullerton, Gross of New York, Gross of Pennsylvania, Hackley, Hall of New York, Hall of North Carolina, Hardin, Hazard, Hendricks, Herrick, Hibshman, Heister, Holmes, Hooks, Hostetter, Johnson, Jones of Virginia, Kendall, Livermore, Lowndes, Lyman, Maclay, McCoy, Marchand, Mercer, R. Moore, S. Moore, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Patterson, Philson, Pinckney, Pindall, Pitcher, Rhea, Richmond, Ringgold, Rogers, Settle, Shaw, Silsbee, Sloan, Smith of North Carolina, Stevens, Strong of New York, Swearingen, Tarr, Taylor, Tracy, Tucker of Virginia, Tucker of South Carolina, Wallace, Warfield, and Williams of North Carolina.

NAYS—Messrs. Adams, Allen of Tennessee, Bateman, Beecher, Bloomfield, Brown, Brush, Buffum, Butler of New Hampshire, Campbell, Cannon, Case, Clagett, Cobb, Cocke, Crafts, Crawford, Culbreth, Cushman, Earle, Edwards of Pennsylvania, Folger, Foot, Forrest, Fuller, Guyon, Hill, Jones of Tennessee, Kent, Kinsley, Little, Linn, McCreary, McLane of Delaware, McLane of Kentucky, Mallary, Meigs, Metcalf, Morton, Murray, Newton, Parker of Massachusetts, Parker of Virginia, Plumer, Rankin, Rich, Robertson, Ross, Russ, Sampson, Sawyer, Smith of New Jersey, Smith of Maryland, Southard, Storrs, Street, Strong of Vermont, Terrell, Tomlinson, Tompkins, Trimble, Wendover, Whitman, Williams of Virginia, and Wood.

Mr. BALDWIN then moved that the bill be postponed until the next session of Congress. And the question was taken without further debate, and decided in the affirmative—yeas 88, nays 62, as follows :

YEAS—Messrs. Alexander, Allen of New York, Anderson, Archer of Virginia, Baker, Baldwin, Ball, Barbour, Bayly, Boden, Brevard, Bryan, Buffum, Burton, Burwell, Butler of Louisiana, Cannon, Clark, Cook, Culpeper, Darlington, Dennison, Dewitt, Dickinson, Dowse, Eddy, Edwards of Connecticut, Edwards of North Carolina, Fisher, Floyd, Ford, Fullerton, Garnett, Gross of New York, Gross of Pennsylvania, Hackley, Hall of New York, Hall of North Carolina, Hardin, Hazard, Hendricks, Herrick, Hibshman, Heister, Holmes, Hooks, Hostetter, Johnson, Jones of Virginia, Kendall, Kent, Livermore, Lowndes, Lyman, Maclay, McCoy, Marchand, Mason, Mercer, R. Moore, S. Moore, Neale, Nelson of Massachusetts, Nelson of Virginia, Overstreet, Parker of Virginia, Patterson, Philson, Pinckney, Pindall, Pitcher, Richmond, Rogers, Settle, Shaw, Silsbee, Sloan, Smith of North Carolina, Stevens, Strong of New York, Swearingen, Tarr, Taylor, Tracy, Tucker of South Carolina, Walker, Warfield, and Williams of North Carolina.

NAYS—Messrs. Adams, Allen of Tennessee, Archer of Maryland, Bateman, Bloomfield, Brown, Brush, Butler of New Hampshire, Campbell, Case, Clagett, Cocke, Crafts, Crawford, Culbreth, Cushman, Earle,

Edwards of Pennsylvania, Folger, Foot, Forrest, Fuller, Guyon, Hill, Jones of Tennessee, Kinsley, Little, Linn, McCreary, McLane of Delaware, McLane of Kentucky, Mallary, Meigs, Metcalf, Morton, Murray, Newton, Parker of Massachusetts, Rankin, Rhea, Rich, Ringgold, Robertson, Ross, Russ, Sampson, Sawyer, Smith of New Jersey, Smith of Maryland, Southard, Storrs, Street, Strong of Vermont, Terrell, Tomlinson, Tompkins, Trimble, Tucker of Virginia, Wendover, Whitman, Williams of Virginia, and Wood.

So the bill was postponed to the next session of Congress.

SENATE BILLS, &c.

Mr. JONES, of Tennessee, moved that the House do now proceed to consider the bill from the Senate, entitled "An act for the relief of the officers and volunteers engaged in the late campaign against the Seminole Indians;" which motion was rejected by the House.

Mr. PINCKNEY moved the following amendment to the rules and orders of the House, to wit :

Resolved, That, in future, a bill that has passed and become a law shall not be carried to the Senate for two hours after the reading of the Journal the next day, except in the two last days of the session.

The amendment was ordered to lie on the table until to-morrow.

The bill from the Senate, entitled "An act to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose," was read the third time, and passed, as amended.

A message from the Senate informed the House that the Senate disagree to the first amendment, and agree to the second and third amendments proposed by this House to the bill, entitled "An act to provide for clothing the Army of the United States in domestic manufactures, and for other purposes." They have passed bills of this House of the following titles, to wit: An act for the relief of Thomas C. Withers; and An act for the relief of Daniel Bickley, and Catharine Clark, administratrix of John Clark, deceased, with an amendment to each.

They have also passed bills of the following titles, to wit: An act to authorize the appointment of commissioners to lay out the road therein mentioned; and An act for the relief of James Leander Cathcart; in which amendments, and the two last mentioned bills, they ask the concurrence of this House.

THE LOAN BILL.

The House then again resolved itself into a Committee of the Whole, (Mr. SMITH, of North Carolina, in the chair,) on the Loan bill. Mr. TRIMBLE's proposition to strike out the words two millions, being under consideration—

Mr. STORRS rose in support of the amendment, and entered into an argument to show that the Sinking Fund was solemnly pledged to the redemption of the public debt, and that this fund could not be touched or diverted from its original purpose without violating the public faith; he spoke, also, in favor of filling the blank with five

H. of R.

The Loan Bill.

MAY, 1820.

millions, and thus providing resources for any unforeseen contingency which might occur.

Mr. BARBOUR made some additional remarks to fortify the opinion which he had yesterday advanced, that it was entirely within the just power of Congress, without impinging at all on the public faith, to apply the surplus of the Sinking Fund to the public current exigencies, and that it was expedient to make such an application of the surplus to supply the existing deficit in the Treasury of the Union.

Mr. Speaker CLAY took the converse of Mr. BARBOUR's position, and maintained the propriety of adhering inviolably to the system adopted in 1816 for redeeming the public debt; and, consequently, the inexpediency of touching the surplus of the Sinking Fund—a fund which he considered as forming one of the most essential features in the permanent systems of the Government, and which should not be made subservient to temporary causes or incidental pressure on the Treasury. He remarked at some length on the present exigencies, and the probable condition of the Treasury for the future; believing that the deficit would greatly exceed the amount estimated by the Committee of Ways and Means, and that the revenue from the public lands was much overrated, he regretted that some permanent practical system had not been proposed by the committee instead of the inefficient system of loans to which he was opposed.

Mr. BARBOUR made some remarks in reply, and Mr. CLAY rejoined.

Mr. FULLER made some remarks on the nature of pledges, from which, and from a reference to the laws providing the Sinking Fund, he deduced the opinion that the only point to which the faith of the nation was pledged was to provide sufficient funds for the payment of the public debt as it should become due, and that it was no violation of that faith to use, in the meantime, for another purpose, the money set apart for that object, so that the debt was faithfully met when the day of payment should arrive.

Mr. LOWNDES concurred entirely in all that had been said concerning the necessity of observing the public faith, in paying either the interest or the principal of a debt when it becomes due. The only pledge other than this was, that ten millions of dollars should be provided annually, above the expenditure; but, if the unemployed portion of this fund be allowed to lie in the hands of the Commissioners of the Sinking Fund, to borrow for the public exigencies would be adding to the expenditure without increasing the income, &c. He was averse to borrowing money merely to purchase up stock, and argued at some length to show that the public faith was merely pledged that there should be so much of the public debt annually paid, if to be bought—not that the machinery of the Sinking Fund should be kept up; that there was no impropriety, and that it would be expedient, to make use of the surplus of the Sinking Fund, now lying inactive. He thought it would be improper to adopt any permanent system of revenue other than the existing one, in the present exigency;

because no one could foresee what would be the amount of income from the ordinary sources next year. It was proper to see what would probably be the permanent condition of the pecuniary resources of the nation before a permanent system should be adopted to meet it, &c.

Mr. CLAY again spoke in support of a steady and inviolable adherence to the system provided in 1816 for the gradual redemption of the public debt—arguing that it was this course of policy which had given such advantage to England as to enable her to contend with and almost conquer Europe; and that a strict observance of it by this Government was necessary to preserve the public credit unimpaired, and give confidence in the good faith of the Government, &c.

Mr. SMITH, of Maryland, entered into an elaborate defence of the report of the Committee of Ways and Means, and the course recommended by them.

The question was then taken on striking out the word *two*, and carried.

Mr. SMITH, of Maryland moved to fill the blank with *three millions*.

Mr. TRIMBLE moved *five millions*.

Mr. WILLIAMS, of North Carolina, moved *two million five hundred thousand dollars*.

The motion for *five millions* being first tried, was negatived; and the motion to fill the blank with *three millions* was agreed to—ayes 65, noes 50.

On motion of Mr. SMITH, of Maryland, the blank left to fix the rate of interest to be given for the loan was filled up with *five per cent*.

Mr. LOWNDES moved an amendment, having for its object to make the loan reimbursable at the pleasure of the Government, instead of after the 1st of January 1832, and paying an interest in the meantime of six per cent.; conceiving it improper that, because at a moment of pressure the Government was obliged to contract a debt, it should, in case of more prosperous circumstances, not have the faculty of paying it off.

Considerable debate took place on this motion, chiefly on the probable revenue in years to come, and the ability of the Government to pay this loan—in which Messrs. LOWNDES, CLAY, SMITH of Maryland, and FULLER, took sides. The motion to amend the bill was negatived—ayes 30.

Mr. BALDWIN moved to insert a clause to authorize the sale from time to time of so much of the stock of the Bank of the United States, owned by the United States, as may be necessary to meet the expenses of Government for the coming year.

The motion was supported by Mr. BALDWIN, and was opposed by Messrs. CLAY, and SMITH of Maryland. The amendment was negatived—ayes 10.

The Committee then proceeded to the consideration of the resolution which was referred to it, calling on the Secretary of the Treasury to prepare and lay before Congress, at its next session, a system of internal revenue.

Mr. CLAY hoped the Committee would reject this resolution. The Executive, he said, had the power of the veto, and he thought it would be

MAY, 1820.

The Loan Bill.

H. OF R.

going too far to give to it also the power of originating measures.

The resolution was rejected by the Committee without a division. And the Committee then rose, and reported their proceedings to the House; and the House adjourned.

SATURDAY, May 6.

Mr. CAMPBELL, from the Committee on Private Land Claims, to which was referred the bill from the Senate, entitled "An act to revive the powers of the commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to lands at Green Bay and Prairie des Chiens, in the Territory of Michigan," reported the same without amendment; and it was ordered to be read a third time.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, made an unfavorable report on the petition of William Bayard, and others, of New York, owners of United States three per cent. stocks, by David Ogden, their attorney; which was read, and ordered to lie on the table.

Mr. KENT, from the Committee for the District of Columbia, reported a bill to repeal certain parts of "An act to authorize the President and Managers of the Washington Turnpike Road Company, of the State of Maryland, to extend and make their turnpike road to or from Georgetown, in the District of Columbia, through the said District, to the line thereof;" which was read twice, and committed to a Committee of the Whole.

The bill from the Senate, entitled "An act for the relief of James Leander Cathcart," was read twice, and referred to the Committee of Claims.

The bill from the Senate, entitled "An act to authorize the appointment of commissioners to lay out the road therein mentioned," was read twice, and referred to the Committee on Roads and Canals.

The amendment proposed by the Senate to the bill, entitled "An act for the relief of Daniel Bickley, and Catharine Clark, administratrix of John Clark, deceased," was concurred in by the House.

The amendment proposed by the Senate to the bill, entitled "An act for the relief of Thomas C. Withers," was also concurred in by the House.

The House took up for consideration the message of the Senate, disagreeing to the amendment of this House to the bill providing for clothing the Army of the United States in domestic manufactures. [This amendment provides that the difference in price between the domestic material and the foreign material of the same quality, contracted for or purchased for Army clothing, shall not exceed five per centum.]

Mr. McLEAN moved that the House do insist on its amendment; and this motion was determined in the affirmative—64 votes to 47.

The House then resolved itself into a Committee of the Whole, on the annual bill for altering and establishing certain post offices and post roads; and considerable discussion took place on the amendments proposed, some of which were agreed to, and some rejected.

The bill was at length gone through; and having been reported to the House, was ordered to be engrossed, and read a third time.

LOAN BILL.

The report of the Committee of the Whole on the Loan Bill was first in the orders of the day; and, being taken up,

Mr. COCKE moved to lay the bill on the table; and assigned, as a reason therefor, the present unsettled state of certain matters which might or might not affect the expenditures of the Government, and render necessary a loan of a different amount from that proposed. He added, that there was no occasion for haste in passing the bill, there being time enough remaining to act on it after this day.

This motion was carried by a very small majority, and the bill lies on the table.

MONDAY, May 8.

Mr. ANDERSON, from the Committee on the Public Lands, made an unfavorable report on the petition of the Legislature of the State of Louisiana, praying for a grant of a small tract of land, for the use of the inhabitants of Point Coupee; which was read, and ordered to lie on the table.

Mr. SILSBEE, from the Committee on Naval Affairs, made unfavorable reports on the petitions of Thomas C. Robertson and Thomas Shields, for stores lost in gunboats; of sundry inhabitants of Portland, in the District of Maine, and of sundry inhabitants of the city of Savannah, in the State of Georgia, on the subject of marine hospitals; which reports were severally ordered to lie on the table.

The SPEAKER laid before the House a letter from the Secretary of the Treasury, enclosing a letter from the collector of the customs for the port of New Orleans, containing the information that the agent of the contractor for building the lighthouse on Frank's island, at the mouth of the river Mississippi, has abandoned the undertaking, accompanied with a report on the state of the building, and an estimate of certain extra work done by the contractor, &c.; which letter and accompanying documents were referred to the Committee on Commerce.

Ordered, That the committee, appointed on the 24th of February last, to inquire into the circumstances under which powder and lead have been loaned by the War Department, or by any of the officers of the United States Army, to certain individuals, be discharged from the further consideration of the subject; and, on motion of Mr. FOREST, the following preamble and resolution were agreed to by the House, viz:

Whereas it appears, by a report of the Secretary of War, dated the 12th of February, 1820, made in pursuance of a resolution of the House of Representatives, that large loans of powder and lead, munitions of the United States, were made to private citizens by the Ordnance department; *Therefore,*

Resolved, That a select committee be appointed to inquire, and report to this House, by whom the said loans were made, and by what authority; why the

H. OF R.

Colonization—Slave Trade.

MAY, 1820.

same was not reclaimed at the expiration of the loan; what time the said loans were reported to the head of department; and, if a loss should be sustained, how far, and to whom is the responsibility attached for such loss? and further, to report the proper mode of proceeding forthwith against such delinquent or delinquents, for the recovery of the same.

MESSRS. FORREST, COCKE, and McLANE, of Delaware, were appointed the said committee.

The engrossed bill to alter and establish certain post roads, was read a third time, passed, and sent to the Senate for concurrence.

The bill from the Senate for reviving the powers of the Land Commissioners for the District of Detroit, &c., was read a third time, passed, and returned to the Senate.

REVOLUTIONARY PENSIONS.

A motion was made by Mr. PINDALL, for the appointment of a committee to report a bill for suspending the operation of the act, which has passed at the present session, amending the Revolutionary pension law, until the 1st day of January next.

Mr. P. assigned as a reason for this motion, that, when the next semi-annual payment became due, Congress would not be in session, and that, in consequence of the new provisions annexed to the reception of the pension, and the want of friends or agents at the Seat of Government in the recess, many of the meritorious pensioners would be obliged to relinquish their pensions, &c. The suspension of the operation of the act would besides allow an opportunity for examining whether it might not be advantageously modified or amended, before it went into execution.

On the question now to proceed to the consideration of Mr. P.'s proposition, it was decided in the negative.

COLONIZATION—SLAVE TRADE.

MR. MERCER, from the committee on the subject of the slave trade, to whom was referred the memorial of the President and Managers of the American Society for colonizing the free people of color of the United States, made a report thereon; which was committed to the Committee of the Whole to which is committed the bill from the Senate, entitled "An act to continue in force 'An act to protect the commerce of the United States, and punish the crime of piracy; and also to make further provision for punishing the crime of piracy.'"

The report is as follows:

The Committee on the Slave Trade, to whom was referred the memorial of the President and Board of Managers of the American Society for colonizing the free people of color of the United States have, according to order, had under consideration the several subjects therein embraced, and report:

That the American Society was instituted in the City of Washington, on the 28th of December, 1816, for the benevolent purpose of affording to the free people of color of the United States the means of establishing one or more independent colonies on the western coast of Africa. After ascertaining, by a mission to that continent and other preliminary inquiries, that their object is practicable, the society request of the

Congress of the United States a charter of incorporation, and such other legislative aid as their enterprise may be thought to merit and require.

The memorialists anticipate from its success consequences the most beneficial to the free people of color themselves; to the several States in which they at present reside; and to that continent which is to be the seat of their future establishment. Passing by the foundation of these anticipations, which will be seen in the annual reports of the society and their former memorials, the attention of the committee has been particularly drawn to the connexion which the memorialists have traced between their purpose and the policy of the recent act of Congress for the more effectual abolition of the African slave trade.

Experience has demonstrated that this detestable traffic can be no where so successfully assailed as on the coast upon which it originates. Not only does the collection and embarkation of its unnatural cargoes consume more time than their subsequent distribution and sale in the market for which they are destined, but the African coast, frequented by the slave ships, is indented with so few commodious or accessible harbors that, notwithstanding its great extent, it could be guarded by the vigilance of a few active cruisers. If to these be added colonies of civilized blacks, planted in commanding situations along that coast, no slave ship could possibly escape detection; and thus the security, as well as the enhanced profit which now cherish this illicit trade, would be effectually counteracted. Such colonies, by diffusing a taste for legitimate commerce among the native tribes of that fruitful continent, would gradually destroy among them also the only incentive of a traffic which has hitherto rendered all African labor insecure, and spread desolation over one of the most beautiful regions of the globe. The colonies, and the armed vessels employed in watching the African coast, while they co-operated alike in the cause of humanity, would afford to each other mutual succor.

There is a single consideration, however, added to the preceding view of this subject, which appears to your committee, of itself, conclusive of the tendency of the views of the memorialists to further the operation of the act of the 3d of March, 1818. That act not only revokes the authority antecedently given to the several State and Territorial governments to dispose, as they pleased, of those African captives who might be liberated by the tribunals of the United States, but authorizes and requires the President to restore them to their native country. The unavoidable consequence of this just and humane provision is, to require some preparation to be made for their temporary succor, on being relanded upon the African shore. And no preparation can prove so congenial to its own object, or so economical, as regards the Government charged with this charitable duty, as that which would be found in a colony of the free people of color of the United States. Sustained by the recommendations of numerous societies in every part of the United States, and the approving voice of the Legislative Assemblies of several States, without inquiring into any other tendency of the object of the memorialists, your committee do not hesitate to pronounce it deserving of the countenance and support of the General Government. The extent to which these shall be carried is a question not so easily determined.

The memorialists do not ask the Government to assume the jurisdiction of the territory, or to become, in

MAY, 1820.

Colonization—Slave Trade.

H. OF R.

any degree whatever, responsible for the future safety or tranquillity of the contemplated colony. They have prudently thought that its external peace and security would be most effectually guarded by an appeal in its behalf, to the philanthropy of the civilized world, and to that sentiment of retributive justice with which all christendom is at present animated towards a much injured continent.

Of the Constitutional power of the General Government to grant the limited aid contemplated by the accompanying bill and resolutions, your committee presume there can exist no shadow of doubt; and they leave it to a period of greater national prosperity to determine how far the authority of Congress, the resources of the National Government, and the welfare and happiness of the United States, will warrant, or require its extension.

Your committee are solemnly enjoined by the peculiar object of their trust, and invited by the suggestions of the memorialists, to inquire into the defects of the existing laws against the African slave trade. So long as it is in the power of the United States to provide additional restraints upon this odious traffic, they cannot be withheld, consistently with justice and the honor of the nation.

Congress have heretofore marked, with decided reprobation, the authors and abettors of this iniquitous commerce, in every form which it assumes; from the inception of its unrighteous purpose in America, through all the subsequent stages of its progress, to its final consummation; the outward voyage, the cruel seizure and forcible abduction of the unfortunate African from his native home, and the fraudulent transfer of the property thus acquired. It may, however, be questioned, if a proper discrimination of their relative guilt has entered into the measure of punishment annexed to these criminal acts.

Your committee cannot perceive wherein the offence of kidnapping an unoffending inhabitant of a foreign country; of chaining him down for a series of days, weeks, and months, amidst the dying and the dead, to the pestilential hold of a slaveship; of consigning him, if he chance to live out the voyage, to perpetual slavery, in a remote and unknown land, differs in malignity from piracy, or why a milder punishment should follow the one, than the other crime.

On the other hand, the purchase of the unfortunate African, after his enlargement from the floating dungeon which wafts him to the foreign market, however criminal in itself, and yet more in its tendency to encourage this abominable traffic, yields in atrocity to the violent seizure of his person, his sudden and unprepared separation from his family, his kindred, his friends, and his country, followed by all the horrors of the middle passage. Are there not united in this offence all that is most iniquitous in theft, most daring in robbery, and cruel in murder? Its consequence to the victim, if he survives; to the country which receives him; and to that from which he is torn, are alike disastrous. If the internal wars of Africa, and their desolating effect, may be imputed to the slave trade, and that the greater part of them must, cannot now be questioned, this crime, considered in its remote, as well as its proximate consequences, is the very darkest in the whole catalogue of human iniquities; and its authors should be regarded as *hostes humani generis*.

In proposing to the House of Representatives to make such part of this offence as occurs upon the

16th CON. 1st SESS.—70

ocean, piracy, your committee are animated, not by the desire of manifesting to the world the horror with which it is viewed by the American people; but, by the confident expectation of promising, by this example, its more certain punishment by all nations, and its absolute and final extinction.

May it not be believed, that when the whole civilized world shall have denounced the slave trade as piracy, it will become as unfrequent as any other species of that offence against the law of nations? Is it unreasonable to suppose, that negotiation will, with greater facility, introduce into that law such a provision as is here proposed, when it shall have been already incorporated in the separate code of each State?

The maritime Powers of the Christian world have, at length, concurred in pronouncing sentence of condemnation against this traffic. The United States having led the way in forming this decree, owe it to themselves not to follow the rest of mankind in promoting its vigorous execution.

If it should be objected that the legislation of Congress would be partial, and its benefits, for a time at least, local it may be replied, that the Constitutional power of the Government has already been exercised in defining the crime of piracy, in accordance with similar analogies, to that which the committee have sought to trace between this general offence against the peace of nations and the slave trade.

In many of the foreign treaties, as well as in the laws of the United States, examples are to be found, of piracies, which are not cognizable, as such, by the tribunals of all nations. Such is the unavoidable consequence of any exercise of the authority of Congress, to define and punish this crime. The definition and the punishment can bind the United States alone.

A bill from the Senate, making further provision for the exercise of this Constitutional power, being now before the House of Representatives, your committee beg leave to offer such an amendment of its provisions, as shall attain the last object which they have presumed to recommend.

Mr. MERCER, from the committee on the subject of the slave trade, also reported amendments to the bill from the Senate, entitled "An act to continue in force 'An act to protect the commerce of the United States, and punish the crime of piracy; and also to make further provision for punishing the crime of piracy,'" which were committed to the Committee of the Whole to which the said bill is committed. The amendments are as follows:

After the third section of the bill, insert the following sections:

And be it further enacted, That, if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel owned in whole or in part, or navigated for or in behalf of any citizen or citizens of the United States, shall land, from any such ship or vessel, and, on any foreign shore, seize any negro or mulatto, not held to service or labor by the laws of either of the States or Territories of the United States, with intent to make such negro or mulatto a slave, or shall decoy, or forcibly bring or carry, or shall receive such negro or mulatto on board any such ship or vessel, with intent as aforesaid, such citizen or person shall be adjudged a pirate, and, on con-

H. OF R.

Western Land Titles.

May, 1820.

viction thereof, before the circuit court of the United States for the district wherein he may be brought or found, shall suffer death.

And be it further enacted, That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel owned wholly or in part, or navigated for and in behalf of any citizen or citizens of the United States, shall forcibly confine or detain, or aid or abet in forcibly confining or detaining, on board such ship or vessel, any negro or mulatto not held to service by the laws of either of the States or Territories of the United States, with intent to make such negro or mulatto a slave, or shall, on board any such ship or vessel, offer or attempt to sell, as a slave, any negro or mulatto not held to service as aforesaid, or shall, on the high seas, or anywhere on tide water, transfer, or deliver over, to any ship or vessel, any negro or mulatto not held to service as aforesaid, with intent to make such negro or mulatto a slave, or shall land, or deliver on shore, from on board any such ship or vessel, any such negro or mulatto, with intent to make sale of, or having previously sold such negro or mulatto as a slave, such citizen or person shall be adjudged a pirate, and, on conviction thereof, before the circuit court of the United States for the district wherein he shall be brought or found, shall suffer death.

WESTERN LAND TITLES.

The House then resolved into a Committee of the Whole, on the bills for the adjustment of certain land titles in Louisiana, Missouri, and Arkansas.

A great deal of debate took place on these bills, which occupied the remainder of the day. Among the various motions made, and amendments offered, on these bills, the following amendment was offered by Mr. SIMKINS of South Carolina, viz:

"And be it further enacted, That the claims, whether British or French, founded on complete British or French grants, in the State of Louisiana, reported by — Cosby for confirmation, and received at the land office on or about the 18th July, 1815, be, and the same are hereby, confirmed against any claim on the part of the United States."

This amendment Mr. S. supported at some length, and with much zeal, on the grounds that there was no reason why an act should have been passed at the latest period of the session, making the same relinquishment in favor of Spanish claims, even bottomed on inferior evidence. All he wished was, to deal out justice, with an even hand, to all the claimants under the different nations who had respectively held this country. That he well knew there were various objections urged to British grants—that they contained many conditions to be performed by the grantees, which were contained in nearly all British grants to lands throughout the Southern States; which conditions are either obsolete or void, as being impossible, or utterly unfitted to the situation of the country. That, at all events, the conditions were subsequent to the investiture of the States, and could never be divested without some regular proceeding, requiring due notice to all the grantees, and a trial of their rights. They could never

be otherwise forfeited by the laws of any civilized country. But, he said, it is urged most warmly that, by a condition contained in the Treaty of 1763, by which Great Britain yielded this country to Spain, all British subjects owning land were compelled to settle or sell their claims within eighteen months. This is true; but it is equally true that, if from the value of the possessions, the proprietors should not be able to dispose of their land, &c., then it is expressly stipulated by the Spanish Government that it would grant a prolongation of the time proportioned to the end. Now, sir, will the Committee consider the state of the country at that time; scarcely settled at all, or at any rate at but very few points, and the despotism and caprice of the Spanish Government forbidding, rather than inviting, settlements? Could they have sold then? Can any gentleman, in his sober senses, dream of a possibility of selling? Well, sir, as soon as the country began to be settled, so as to enhance the value of lands, the Spanish Governor, without any regard to British claims, as expressly secured by the treaty, began to regrant the land, and to enable all sorts of people to obtain orders of survey, concessions, permissions to settle, &c., of this very land; and thus have these unfortunate claimants been first tantalized with the hope of selling, but actually prevented from so doing; and very many just claimants, some of whom I have the pleasure to know in South Carolina, have been continually defeated in their continual efforts, either to sell or to possess these valuable lands. It has, I know, said Mr. S., been asserted that the Spanish Government did give a further time—some say three years, some five, some one time, and some another; for all British claimants to come in and settle or sell, &c. But where is the evidence of this? Are hundreds of claimants to be divested of their sacred rights upon mere reports, without any reasonable or legal notice, or any notice at all, of the progress of any proceeding, if any such ever did exist? But what has operated with the most injustice, and is most complained of by British claimants, is, that you have, by your laws, appointed commissioners to receive evidence of all claims, and to report such as appeared just to Congress for confirmation. Under this legislation, British claimants have filed their evidence, which has been rendered, and whilst you have confirmed Spanish claims, bottomed on evidence quite inferior, and liable to fraud, you have utterly neglected complete British grants, although regularly filed and all the legal requisites complied with. Sir, said he, this subject was, two years ago, thought to be of such importance, that, by a resolution of this House, you required the Secretary of the Treasury to report, at the next succeeding session, a plan for the proper adjustment of claims of all kinds. [Here Mr. S. required the Clerk to read the report.] This report, sir, is submitted to the Committee to show, that, after the most mature investigation, a bill was reported, adjusting all British claims as well as Spanish and French. This was just and right, but you find this bill somehow or other got rid of, and a bill reported

MAY, 1820.

Proceedings.

H. OF R.

in favor of Spanish claims, which was passed. Mr. S. concluded, by saying, that his amendment only went to relinquish the claim of the United States to lands covered by British grants, and then to leave the parties to their legal remedies, in the courts where there were conflicting claims. It was a reasonable amendment, and he hoped it would be adopted.

Mr. S. was answered by Mr. CLAY, (Speaker,) Mr. BUTLER, Mr. HOLMES, and Mr. CAMPBELL, to whom he replied.

The amendment was, however, rejected. The bills were reported to the House, but not finally acted on.

TUESDAY, May 9.

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act authorizing the settlement of the accounts between the United States and Richard O'Brien, late American Consul at Algiers," reported the same, with an amendment; and the bill was committed to a Committee of the Whole to-morrow.

Mr. STORRS, from the Committee on Roads and Canals, to which was referred the bill from the Senate, entitled "An act to authorize the appointment of commissioners to lay out the road therein mentioned," reported the same, without amendment, and it was committed to the Committee of the Whole to which is committed the bill providing for the preservation and repair of the Cumberland road.

A message from the Senate informed the House that the Senate concur in the fourth, fifth, sixth, and seventh, and disagree to the first, second, and third amendments of this House to the bill from the Senate, entitled "An act to establish additional land offices in the State of Alabama." They also concur in the second, third, fourth, and fifth of the amendments of this House to the bill from the Senate, entitled "An act to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose," and disagree to the first of the amendments to the said bill, and ask a conference upon the subject of the disagreeing votes of the two Houses on the said first amendment, to which conference they have appointed managers on their part. They have passed bills of this House of the following titles, to wit: An act for the relief of certain settlers in the State of Illinois, who reside within the Vincennes land district; An act for the relief of Angus O. Frazer, and others; and An act to amend the act, entitled "An act to provide for the publication of the laws of the United States, and for other purposes," with amendments to each. They have also passed bills of the following titles, to wit: An act for the relief of Lewis H. Guerlain; and An act to limit the term of office of certain officers therein named, and for other purposes; in which amendments, and two bills, they ask the concurrence of this House.

The House proceeded to consider the message from the Senate announcing their disagreement to

the first amendment of this House to the bill, entitled "An act to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose," and asking a conference on the said amendment, whereupon it was resolved, that this House do agree to the conference asked by the Senate on the amendment aforesaid, and that managers be appointed to attend the same on their part. Messrs. KENT, COBB, and McLANE, of Delaware, were appointed the said managers.

The amendments proposed by the Senate to bills of this House of the following titles, to wit: An act for the relief of certain settlers in the State of Illinois, who reside within the Vincennes land district; and An act for the relief of Angus O. Frazer, and others, were severally concurred in by the House.

A message from the Senate informed the House that the Senate have passed the bill of this House entitled an act to alter the times of the session of the circuit and district courts in the District of Columbia, with an amendment. They have also passed a bill, entitled "An act for the relief of the inhabitants of the village of Peoria, in the State of Illinois;" in which amendment and bill they ask the concurrence of this House.

Bills from the Senate of the following titles, to wit: An act for the relief of Lewis H. Guerlain; an act to limit the term of office of certain officers therein named, and for other purposes; and an act for the relief of the inhabitants of the village of Peoria, in the State of Illinois, were severally read twice, and referred; the first to the Committee of Claims, the second to the Committee on the Judiciary, and the third to the Committee on Private Land Claims.

The amendment proposed by the Senate to the bill, entitled "An act to alter the times of the session of the circuit and district courts in the District of Columbia," was read, and concurred in by the House.

The House resumed the consideration of the bill supplementary to the several acts for the adjustment of land claims in the State of Louisiana, and Territory of Missouri, and the question which was depending yesterday at the time of adjournment, again recurred, to wit: That the said bill be postponed until the first day of the next session of Congress; and being put, it passed in the affirmative: whereupon,

Mr. COBB moved that the House do reconsider the said vote; which motion was rejected.

Ordered, That the bill from the Senate, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," be read a third time to-morrow.

Mr. PARKER, of Virginia, submitted the following resolution:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the Senate, for the time being, and the Speaker of the House of Representatives be, and they are hereby, authorized and empowered to adjourn their respective Houses, sine die, on Friday, the 12th day of the present month;

and that the resolution heretofore passed, authorizing an adjournment on the 15th instant be, and the same is hereby, rescinded and made void.

The resolution being read, the question was taken, Will the House now proceed to consider the same? and determined in the negative.

COLONIZATION SOCIETY.

Mr. MERCER, from the committee on the subject of the slave trade, reported a bill to incorporate the American Society for colonizing the free people of color of the United States; which was read twice and committed to a Committee of the Whole. The bill is as follows:

A Bill to incorporate the American Society for colonizing the free people of color of the United States.

Be it enacted, &c., That Bushrod Washington, William H. Crawford, Henry Clay, John Mason, Henry Foxall, Stephen B. Balch, James Laurie, Obadiah B. Brown, William Wilmer, William Hawley, Walter Jones, Thomas Dougherty, Jacob Hoffman, Francis S. Key, Henry Ashton, William Thornton, Elias B. Caldwell, Richard Smith, and John Underwood, and others, composing the society in the District of Columbia denominated the American Society for colonizing the free people of color of the United States, and their successors, duly elected in the manner hereinafter mentioned, be, and they are hereby, constituted and declared to be a body politic and corporate, by the name and title of the American Society for colonizing the free people of color of the United States.

SEC. 2. *And be it further enacted,* That said corporation be authorized and empowered to take and receive any sum or sums of money, or other property, real and personal, of any kind or nature which shall or may hereafter be given, granted, or bequeathed to the said corporation, by any person or persons, bodies politic or corporate, capable of making such gift or bequest: *Provided,* That money or other property be laid out or disposed of for the use and benefit of said corporation, according to the intention of the donors.

SEC. 3. *And be it further enacted,* That the said corporation, hereby created, shall have full power and authority to fill all vacancies which may happen in their number; to make, ordain, and establish, and execute, such by-laws and ordinances as may be deemed useful to the society, and the same to alter, amend, and abrogate at pleasure; to make, have, and use a common seal, and the same to break, alter, and renew at pleasure; to appoint such officers and agents as may be required for the management of the concerns of the said society, and to assign them their duties; and, generally, to provide for the transaction of all business appertaining to said society: *Provided,* That no by-law, rule, or ordinance, of the said corporation shall be made repugnant to the laws of the District of Columbia.

SEC. 4. *And be it further enacted,* That there shall be an annual meeting of the members of said corporation, at such time and place as the proper officers of said corporation may appoint, of which due notice shall be given in one or more of the newspapers published in the District of Columbia; at which time and place the members present shall elect or choose the officers of the Society, to serve for one year ensuing their election, and until others shall be elected, and consent to serve in their places; but the present officers of the society may serve till the next annual meeting, until others be appointed or chosen.

SEC. 5. *And be it further enacted,* That the said corporation shall not engage in any banking operations; and that the charter hereby granted shall be liable to be amended, altered, or repealed, at all times hereafter, by the Congress of the United States.

SLAVE TRADE.

Mr. MERCER, from the same committee, reported resolutions authorizing the President of the United States to negotiate with foreign Governments on the means of effecting an entire abolition of the African slave trade, and for other purposes; which was read twice, and committed to the Committee of the Whole last mentioned. The resolutions are as follows:

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be requested to consult and negotiate with all the Governments, where Ministers of the United States are, or shall be accredited, on the means of effecting an entire and immediate abolition of the African slave trade.

Resolved, &c. That the President be requested to enter into a stipulation or formal declaration, with the several maritime Powers, recognising the independence and permanent neutrality of any colony of the free people of color of the United States, which shall be established on the western coast of Africa.

Resolved, &c. That the President be requested, in such use as he may deem it expedient to make of the public ships of the United States, to afford every aid, not inconsistent with the public welfare, to the efforts of the American Society for colonizing the free people of color of the United States, upon the western coast of Africa.

PUBLICATION OF THE LAWS.

The amendments of the Senate to the bill from the House for regulating the publication of the laws, were taken up.

On this subject there was some debate. Messrs. PINDALL and SMITH, of North Carolina, opposed the amendments, (which go to enlarge the bill, and extend the sphere of publication) and Messrs. FOOT and HOLMES supported the amendments.

Mr. ANDERSON was in favor of the amendments, but he was opposed to the whole bill, and desirous to leave the law as it now stands. He, therefore, moved to postpone the bill indefinitely.

A good deal of debate took place on this motion, in which Messrs. PINDALL, ROBERTSON, RHEA, BATEMAN, FLOYD, and TAYLOR, took part.

The question on indefinite postponement was decided in the negative—ayes 44; and then the amendments of the Senate were concurred in.

SPANISH TREATY.

A Message was received from the PRESIDENT OF THE UNITED STATES, which is as follows:

To the House of Representatives of the United States:

I communicate to Congress a correspondence which has taken place between the Secretary of State and the Envoy Extraordinary and Minister Plenipotentiary of His Catholic Majesty, since the Message of the 27th March last, respecting the treaty which was concluded between the United States and Spain, on the 22d February, 1819.

After the failure of His Catholic Majesty, for so

MAY, 1820.

Revolutionary Pensions.

H. OF R.

long a time, to ratify the treaty, it was expected that this Minister would have brought with him the ratification; or that he would have been authorized to give an order for the delivery of the territory ceded by it to the United States. It appears, however, that the treaty is still unratified, and that the Minister has no authority to surrender the territory. The object of his mission has been to make complaints, and to demand explanations respecting an imputed system of hostility, on the part of citizens of the United States, against the subjects and dominions of Spain, and an unfriendly policy in their Government, and to obtain new stipulations against these alleged injuries, as the condition on which the treaty should be ratified.

Unexpected as such complaints and such a demand were, under existing circumstances, it was thought proper, without compromising the Government, and as to the course to be pursued, to meet them promptly, and to give the explanations that were desired, on every subject, with the utmost candor. The result has proved, what was sufficiently well known before, that the charge of a systematic hostility being adopted and pursued by citizens of the United States, against the dominions and subjects of Spain, is utterly destitute of foundation; and that their Government, in all its branches, has maintained with the utmost rigor that neutrality, in the civil war between Spain and the colonies, which they were the first to declare. No force has been collected, nor incursions made from within the United States, against the dominions of Spain; nor have any naval equipments been permitted, in favor of either party, against the other. Their citizens have been warned of the obligations incident to the neutral condition of their country; the public officers have been instructed to see that the laws were faithfully executed; and severe examples have been made of some who violated them.

In regard to the stipulation proposed, as the condition of the ratification of the treaty, that the United States shall abandon the right to recognise the revolutionary colonies in South America, or to form other relations with them, when, in their judgment, it may be just and expedient so to do, it is manifestly so repugnant to the honor, and even to the independence of the United States, that it has been impossible to discuss it. In making this proposal, it is perceived, that His Catholic Majesty has entirely misconceived the principles on which this Government has acted, in being a party to a negotiation, so long protracted, for claims so well founded and reasonable, as he likewise has the sacrifices which the United States have made, comparatively, with Spain, in the treaty, to which it is proposed to annex so extraordinary and improper a condition. Had the Minister of Spain offered an unqualified pledge that the treaty should be ratified by his Sovereign, on being made acquainted with the explanations which had been given by this Government, there would have been a strong motive for accepting and submitting it to the Senate, for their advice and consent, rather than to resort to other measures for redress, however justifiable and proper; but he gives no such pledge; on the contrary he declares, explicitly, that the refusal of this Government to relinquish the right of judging and acting for itself, hereafter, according to circumstances, in regard to the Spanish colonies, a right common to all nations, has rendered it impossible for him, under his instructions, to make such engagement. He thinks that his Sovereign will be induced, by his communi-

cations, to ratify the treaty; but still he leaves him free either to adopt that measure or to decline it. He admits that the other objections are essentially removed, and will not, in themselves, prevent the ratification, provided the difficulty on the third point is surmounted. The result therefore is, that the treaty is declared to have no obligation whatever; that its ratification is made to depend, not on the considerations which led to its adoption, and the conditions which it contains, but on a new article, unconnected with it, respecting which a new negotiation must be opened, of indefinite duration and doubtful issue.

Under this view of the subject, the course to be pursued would appear to be direct and obvious, if the affairs of Spain had remained in the state in which they were when the Minister sailed. But it is known that an important change has since taken place in the Government of that country, which cannot fail to be sensibly felt in its intercourse with other nations. The Minister of Spain has essentially declared his inability to act in consequence of that change. With him, however, under his present powers, nothing could be done. The attitude of the United States must now be assumed on full consideration of what is due to their rights, their interest, and honor, without regard to the powers or incidents of the late mission. We may, at pleasure, occupy the territory which was intended and provided, by the late treaty, as an indemnity for losses so long since sustained by our citizens; but still nothing could be settled definitively without a treaty between the two nations. Is this the time to make the pressure? If the United States were governed by views of ambition and aggrandizement, many strong reasons might be given in its favor. But they have no objects of that kind to accomplish; none which are not founded in justice, and which can be injured by forbearance. Great hope is entertained that this change will promote the happiness of the Spanish nation. The good order, moderation, and humanity, which have characterized the movement, are the best guarantees of its success. The United States would not be justified, in their own estimation, should they take any step to disturb its harmony. When the Spanish Government is completely organized, on the principles of this change, as it is expected it soon will be, there is just ground to presume that our differences with Spain will be speedily and satisfactorily settled.

With these remarks I submit it to the wisdom of Congress whether it will not still be advisable to postpone any decision on this subject until the next session.

JAMES MONROE.

WASHINGTON, May 9, 1820.

The Message and documents were read, and ordered to lie on the table.

REVOLUTIONARY PENSIONS.

Mr. PINDALL then introduced, with some observations, showing the grounds on which he deemed it necessary, a joint resolution, the object of which was, to declare, that the instalments of Revolutionary pensions which will become due on or before the 4th day of September, should be paid in like manner as if the act to amend that act, passed at the present session, had not become a law.

The question to consider this resolution was taken by yeas and nays, and decided in the affirmative—yeas 66, nays 57.

The resolution was then read a second time.

H. OF R.

Proceedings.

MAY, 1820.

Mr. McLEAN, of Kentucky, moved to refer it to a Committee of the Whole, and make it the order of the day for to-morrow. On this motion there took place some debate: at length, the yeas and nays being ordered, on the suggestion of Mr. TAYLOR, Mr. McLEAN withdrew his motion to save time. Mr. REID renewed the motion, and Mr. WILLIAMS, of North Carolina, supported it.

The yeas and nays were then again ordered on the question, on suggestion of Mr. TAYLOR. It was decided in the negative—yeas 79, nays 62.

Whereupon, a debate arose, which consumed much time, on the principle of the resolve, in which debate the following gentlemen engaged: *For the resolution*—Messrs. TAYLOR, PINDALL, MERCER, SMITH, of Maryland, WHITMAN, and WOOD. *Against it*—Messrs. McLEAN, of Kentucky, BURTON, BLOOMFIELD, SIMKINS, BROWN, and BARBOUR.

Those who opposed the principles of this resolution objected, first, to its form, and the invasion proposed in the ordinary mode of legislation, in suspending by resolution the operation of a law. Next, the resolution was spoken of as being in effect a repeal of the law until the next meeting of Congress; that the cause which had just made the amendatory law necessary, namely, the evasions and frauds under the original law, required a corrective now as much as when, under that conviction, the amendatory law had passed; that the House was now thin, and the attempt to suspend the law was taking advantage of the absence of so considerable a portion of the House.

To these objections it was replied, that a joint resolution, approved by the President, was as much a law as in any other form, and was justified by many precedents on the Statute book. The proposition, it was urged, was not to repeal a law, but to prevent the suspension of the operation of the pension law, by the want of time to re-examine all the cases before the next semi-annual payment becomes due. As to the frauds under the old law, they were very limited, it was generally believed, and an amendment of the resolution would obviate that objection. It was further said, that there was every reason to believe it would take two years to examine anew and adjudicate the pension cases under the amendatory law. As to the House being thin, leave of absence had been granted to the absentees; and there yet remained as appeared by the last vote, one hundred and forty members, which could not be called a small portion of the House.

Mr. PARKER, of Virginia, moved to lay the resolution upon the table; which motion was negatived—yeas 70, nays 65.

On motion of Mr. FOOT, the resolve was amended by annexing a proviso, that the Secretary of War be and hereby is directed to suspend the payment of the pension to any person who, in his opinion, is not entitled to a pension under the original act.

The question was at length taken, by yeas and nays, on ordering the resolve to be engrossed for a third reading, and agreed to—yeas 85, nays 67.

The House proceeded to consider the message from the Senate, respecting the amendments of

this House to the bill for the establishment of certain land offices. The Senate agrees to the amendments of this House, except that one which proposes to establish an additional land office in Indiana.

Mr. ANDERSON moved that this House do recede from this amendment. No hardship could result from so doing; there being, without this, already three land offices in Indiana.

Mr. HENDRICKS proposed that the House do insist on its amendment, and assigned the reason why he thought it ought to be insisted on. As to the number of land offices, he said there were not as many as the extent and population of the State required; and the Legislature of the State had, by the memorial adopted, he believed, unanimously, requested the establishment of this office.

On the question to recede from this amendment, it was determined in the affirmative—yeas 57, nays 53.

WEDNESDAY, May 10.

Mr. SMITH, of Maryland, from the Committee of Ways and Means, reported a bill in addition to the act, entitled "An act making appropriations for the support of Government for the year 1820;" which was read twice, and committed to a Committee of the Whole to-morrow.

Mr. CULBRETH, from the Committee of Claims, to which was referred the bill from the Senate, entitled "An act for the relief of James Leander Cathcart," reported the same without amendment, and the bill was committed to a Committee of the Whole.

The SPEAKER laid before the House a report of his proceedings and expenditures, under the act entitled "An act making appropriations for the public buildings, and for furnishing the Capitol and President's House;" which was read, and referred to the Committee of Accounts.

On motion of Mr. TAYLOR, a committee was appointed, jointly with such committee as may be appointed by the Senate, to inquire and report what subjects before the two Houses are proper to be acted on during the present session of Congress; and Messrs. TAYLOR, WILLIAMS of North Carolina, SMITH of Maryland, SERGEANT, and LOWNDES, were appointed of the said committee on the part of this House.

Mr. STRONG, of New York, submitted the following resolution:

Resolved, That a committee be appointed to ascertain, and report to the next session of Congress, the amount of claims upon the United States, in favor of American citizens, growing out of the last war with Great Britain, the Creek war, and the Seminole war, designating the names of the claimants, and the sum or sums which, in their opinion, shall be equitably and fairly due to each: and, as to the expediency of providing for the payment of the same by an issue of stock, bearing an interest of — per centum, per annum, redeemable at the pleasure of the United States, out of the proceeds of the sales of the public lands.

The resolution was ordered to lie on the table.

On motion of Mr. NELSON of Virginia, the Com-

MAY, 1820.

Next Meeting of Congress—Revolutionary Pensions.

H. OF R.

mittee of Accounts were authorized and directed to make the same allowance for extra services to each person serving this House, as was granted at the end of the last session.

The bill from the Senate, entitled "An act supplementary to the several acts for the adjustment of land claims in the State of Louisiana," was read the third time and passed.

A message from the Senate informed the House that the Senate *insist* on their disagreement to the first amendment proposed by this House to the bill, entitled "An act to provide for the clothing of the Army of the United States in domestic manufactures, and for other purposes;" and they have passed bills of the following titles, to wit: "An act to authorize the legal representatives of Elisha Winter and William Winter, and the Attorney General, on the part of the United States, to take the examination of witnesses by commission;" and "An act to authorize the appointment of commissioners to lay out a canal in the State of Ohio;" in which bills they ask the concurrence of this House.

NEXT MEETING OF CONGRESS.

MR. TAYLOR, from the committee on the subject, introduced a bill to fix the time for the next meeting of Congress, viz., the second Monday in November next, instead of the first Monday in December.

In assigning the reasons of the committee for reporting this bill, Mr. T. stated the number of bills now pending in this House, the consideration of nearly the whole of which would be necessarily deferred to the next session of Congress. Of bills originating in the House, there are now pending, of a public nature, 38; of a private nature, 16. Of bills which originated in the Senate, there are, of a public nature, 21; of a private nature, 31—making a total number of bills pending, 106.

The bill was twice read; and, after some little debate, the question was taken on ordering the bill to be engrossed for a third reading, and decided in the affirmative by the following vote:

YEAS—Messrs. Adams, Baker, Baldwin, Beecher, Bloomfield, Butler of New Hampshire, Butler of Louisiana, Cannon, Case, Clagett, Clark, Cocke, Cook, Culbreth, Culpeper, Cushman, Darlington, Dewitt, Eddy, Edwards of Connecticut, Edwards of Pennsylvania, Folger, Foot, Forrest, Fullerton, Gross of New York, Guyon, Hackley, Hall of New York, Hardin, Hibshman, Hill, Holmes, Hostetter, Jones of Tennessee, Kendall, Kinsey, Kinsley, Little, Livermore, Lyman, Mallary, Marchand, R. Moore, S. Moore, Newton, Phelps, Philson, Pinckney, Pitcher, Rhea, Rogers, Russ, Sampson, Sawyer, Shaw, Sloan, Smith of New Jersey, Smith of Maryland, Stevens, Storrs, Strong of New York, Taylor, Tomlinson, Tompkins, Tracy, Wallace, Whitman, and Wood—69.

NAYS—Messrs. Alexander, Allen of New York, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Barbour, Bateman, Boden, Brevard, Bryan, Burwell, Cobb, Crafts, Crawford, Crowell, Cuthbert, Dennison, Dickinson, Earle, Edwards of North Carolina, Fisher, Floyd, Gross of Pennsylvania, Hall of North Carolina, Heister, Johnson, Jones of Virginia, Linn, McCoy, McCreary, McLane, of Delaware, McLean of Kentucky, Meigs, Metcalf,

Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Parker of Virginia, Patterson, Pindall, Reed, Rich, Richmond, Robertson, Ross, Sergeant, Silsbee, Simkins, Smith of North Carolina, Tarr, Terrell, Trimble, Tucker of Virginia, Tucker of South Carolina, Walker, Williams of Virginia, and Williams of North Carolina—59.

The bill was subsequently read a third time, passed, and sent to the Senate for concurrence.

REVOLUTIONARY PENSIONS.

The engrossed resolution to suspend for a limited time the act in addition to the act "to provide for certain persons engaged in the land and naval service of the United States, in the Revolutionary war," was read the third time.

A short debate took place on the question of its passage, in which Messrs. SIMKINS, WILLIAMS of North Carolina, CULPEPER, ALEXANDER, WARFIELD, and PINDALL, took part.

MR. BUTLER, of New Hampshire, said, he was in favor of the passage of the resolution, although he voted for the law which it is designed to suspend. Though he was in favor of the object of the law, he was not satisfied with its form; but, inasmuch as the House had been occupied several days on the subject, and had rejected various propositions to amend the law, he believed it better to pass the bill, than to do nothing. It had been represented in the House, he said, that many men of influence were receiving a pension under the law of March, 1818, and he could not consent to loan money nor lay a tax upon the people, while such men were enjoying the bounty of the Government, contrary to the true intent of the law under which they received it.

MR. B. said he had voted for every proposition to diminish the expenditures of the Government, so as to bring them within the limits of the receipts. Taxes were odious, he said, to the people, and he would not resort to them unless there was an absolute necessity.

MR. B. said, he was aware the law, which the resolution proposed to suspend, would impose a burden upon many honest and indigent soldiers of the Revolution, and delay them in obtaining the just reward of their country, and he was, therefore, disposed to suspend the law, that they might have time to comply with its requisites. He said, he had expected the law would have been modified by the Senate, but he was disappointed, and could not, therefore, vote against the resolution, as it would render the act less exceptionable. He did not believe, with the gentleman from Virginia, that there was any impropriety in varying or suspending an act by a resolution passed at the same session; nor could he perceive that there was any Constitutional objection to such a mode of legislation.

MR. B. said he had strong objections to the act which had been passed, though he voted for it, and he was willing, at the present session, to make it more acceptable, by the passage of the resolution.

On motion of MR. HOLMES, the previous question was required and taken—being decided in the affirmative.

H. OF R.

South American Independence.

MAY, 1820.

The question on the passage of the resolve was decided affirmatively, by yeas and nays, 78 to 69, as follows:

YEAS—Messrs. Adams, Allen of New York, Allen of Tennessee, Baker, Baldwin, Bateman, Bayly, Boden, Brush, Buffum, Butler of New Hampshire, Case, Clagett, Clark, Cook, Culbreth, Cushman, Dennison, Dickinson, Edwards of Connecticut, Edwards of Pennsylvania, Folger, Fuller, Foot, Gross of New York, Gross of Pennsylvania, Guyon, Hackley, Hardin, Hendricks, Hibshman, Heister, Hill, Holmes, Kendall, Kent, Kinsley, Livermore, Lyman, McCreary, McLane of Delaware, Mallary, Marchand, Meigs, R. Moore, S. Moore, Monell, Moseley, Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Patterson, Phelps, Pinckney, Pindall, Pitcher, Plumer, Rich, Rogers, Russ, Sampson, Sergeant, Shaw, Silsbee, Smith of Maryland, Stevens, Storrs, Street, Strong of New York, Taylor, Tomlinson, Tracy, Van Rensselaer, Wallace, Wendover, Whitman, and Wood.

NAYS—Messrs. Abbot, Alexander, Anderson, Archer of Maryland, Archer of Virginia, Ball, Barbour, Beecher, Bloomfield, Brevard, Brown, Bryan, Burton, Burwell, Butler of Louisiana, Campbell, Cannon, Cobb, Cocke, Crafts, Crawford, Crowell, Culpeper, Cuthbert, Darlington, Dewitt, Earle, Eddy, Edwards of North Carolina, Ervin, Fisher, Floyd, Forrest, Fullerton, Garnett, Hall of North Carolina, Herrick, Hostetter, Johnson, Jones of Virginia, Jones of Tennessee, Kinsey, Linn, Lowndes, Ross, Maclay, McCoy, McLean of Kentucky, Metcalf, Newton, Overstreet, Parker of Virginia, Philson, Rhea, Richmond, Ringgold, Robertson, Ross, Sawyer, Simkins, Sloan, Smith of North Carolina, Tarr, Tompkins, Trimble, Tucker of South Carolina, Walker, Warfield, Williams of Virginia, and Williams of North Carolina.

SOUTH AMERICAN INDEPENDENCE.

The House then resolved itself into a Committee of the Whole, on the state of the Union; and the following resolves were taken into consideration:

Resolved, That it is expedient to provide by law a suitable outfit and salary for such Minister or Ministers as the President, by and with the advice and consent of the Senate, may send to any of the Governments of South America, which have established, and are maintaining, their independence on Spain.

Resolved, That provision ought to be made for requesting the President of the United States to cause to be presented to the General the most worthy and distinguished, in his opinion, in the service of any of the independent Governments of South America, the sword which was given by the Viceroy of Lima to Captain Biddle, of the Ontario, during her late cruise in the Pacific, and which is now in the office of the Department of State, with the expression of the wish of the Congress of the United States that it may be employed in the support and preservation of the liberties and independence of his country.

When Mr. CLAY rose and said: It is my intention, Mr. Chairman, to withdraw the latter resolution. Since I offered it, this House, by the passage of the bill to prevent, under suitable penalties, in future, the acceptance of presents, forbidden by the Constitution, to prohibit the carrying of foreigners in the public vessels, and to limit to the case of our own citizens, and to regulate, in that

case, the transportation of money in them, has, perhaps, sufficiently animadverted on the violation of the Constitution which produced that resolution. I confess that when I heard of Captain Biddle receiving from the deputy of a King the sword in question, I felt greatly mortified. I could not help contrasting his conduct with that of the surgeon on board of an American man-of-war, in the Bay of Naples, (I regret that I do not remember his name, as I should like to record it with the testimony which I with pleasure bear to his high-minded conduct,) who, having performed an operation on one of the suite of the Emperor of Austria, and being offered fifteen hundred pistoles or dollars for his skilful service, returned the purse and said that what he had done was in the cause of humanity, and that the Constitution of his country forbade his acceptance of the proffered boon. There was not an American heart that did not swell with pride on hearing of his noble disinterestedness. It did appear to me, also, that the time of Captain Biddle's interposition was unfortunate to produce an agreement between the Viceroy of Lima and Chili, to exchange their respective prisoners, however desirable the accomplishment of such a humane object might be. The Viceroy had constantly refused to consent to any such exchange. And it is an incontestable fact, that the barbarities which have characterized the civil war in Spanish America have uniformly originated with the Royalists. After the memorable battle of Maipu, decisive of the independence of Chili, and fatal to the arms of the Viceroy, this interposition, if I am not mistaken, took place. The transportation of money, upon freight, from the port of Callao to that of Rio Janeiro, for Royalists, appeared to me also highly improper. If we wish to preserve, unsullied, the illustrious character which our Navy justly sustains, we should repress the very first instances of irregularity. But I am willing to believe that Captain Biddle's conduct has been inadvertent. He is a gallant officer, and belongs to a respectable and patriotic family. His errors, I am persuaded, will not be repeated by him or imitated by others. And I trust that there is no man more unwilling than I am unnecessarily to press reprehension. It is thought, moreover, by some, that the President might feel an embarrassment in executing the duty required of him by the resolution, which it was far from my purpose to cause him. I withdraw it.

There is no connexion intended, or, in fact, between that resolution and the one I now propose briefly to discuss. The proposition to recognise the independent Governments of South America offers a subject of as great importance as any which could claim the deliberate consideration of this House.

Mr. C. then went on to say, that it appeared to him the object of this Government, heretofore, had been, so to manage its affairs, in regard to South America, as to produce an effect on its existing negotiations with the parent country. The House were now apprized, by the Message from the President, that this policy had totally failed;

MAY, 1820.

South American Independence.

H. OF R.

it had failed, because our country would not dishonor itself by surrendering one of the most important rights incidental to sovereignty. Although we had observed a course towards the Patriots, as Mr. Gallatin said in his communication read yesterday, greatly exceeding in rigor the course pursued towards them either by France or England; although, also, as was remarked by the Secretary of State, we had observed a neutrality so strict that blood had been spilt in enforcing it—still Spanish honor was not satisfied, and fresh sacrifices were demanded of us. If they were resisted in form, they were substantially yielded by our course as to South America. We will not stipulate with Spain not to recognise the independence of the South; but we nevertheless grant to her all she demands.

Mr. C. said it had been his intention to have gone into a general view of the course of policy which has characterized the General Government; but, on account of the lateness of the session, and the desire for an early adjournment, he should waive that purpose, and, in the observations he had to make, confine himself pretty much to events subsequent to the period at which he had submitted to the House a proposition having nearly the same objects as this.

After the return of our Commissioners from South America; after they had all agreed in attesting the fact of independent sovereignty being exercised by the Government of Buenos Ayres, the whole nation looked forward to the recognition of the independence of that country as the policy which the Government ought to pursue. He appealed to every member to say, whether there was not a general opinion, in case the report of that mission should turn out as it did, that the recognition of the independence of that Government would follow as a matter of course. The surprise at a different course being pursued by the Executive at the last session, was proportionably great. On this subject, so strong was the Message of the President at the commencement of the present session, that some of the presses took it for granted that the recognition would follow of course, and a paper in this neighborhood had said there was, in regard to that question, a race of popularity between the President of the United States and the humble individual who now addressed the House. Yet, faithless Ferdinand refuses to ratify his own treaty, on the pretext of violations of our neutrality, but, in fact, because we will not basely surrender an important attribute of sovereignty. Two years ago, Mr. C. said, would, in his opinion, have been the proper time for recognising the independence of the South. Then the struggle was somewhat doubtful, and a kind office on the part of this Government would have had a salutary effect. Since that period, what had occurred? Any thing to prevent a recognition of their independence, or to make it less expedient? No; every occurrence tended to prove the capacity of that country to maintain its independence. Mr. C. then successively adverted to the battles of Maipu and Bojaca, their great brilliancy, and their important consequences.

Adverting to the union of Venezuela and New Grenada in one Republic, he said one of their first acts was to appoint one of their most distinguished citizens, the Vice President Zea, a Minister to this country. There was a time, he said, when impressions are made on individuals and nations by kindness towards them, which last forever—when they are surrounded with enemies, and embarrassments present themselves.

Ages and ages may pass away, said Mr. C., before we forget the help we received, in our day of peril, from the hands of France. Her injustice—the tyranny of a despot—may alienate us for a time; but the moment it ceases we relapse into a good feeling towards her. Do you mean to wait, said Mr. C., until these Republics are recognised by the whole world, and then step in and extend your hand to them, when it can no longer be withheld? If we are to believe General Vives, we have gone about among foreign Powers, and consulted with Lord Castlereagh and Count Nesselrode, to seek some aid in recognising the independence of these powers. What! after the President has told us that the recognition of the independence of nations is an incontestable right of sovereignty, shall we lag behind till the European Powers think proper to advance? The President had assigned, as a reason for abstaining from the recognition, that the Congress of Aix-la-Chapelle might take offence at it. So far from such an usurped interference being a reason for stopping, Mr. C. said, he would have exerted the right sooner for it. But the Congress of Aix-la-Chapelle had refused to interfere, and on that point the President was mistaken. Spain, it was true, had gone about begging the nations of Europe not to interfere in behalf of the South Americans; but the wishes of the whole unbiassed world must be in their favor. And while we had gone on, passing neutrality bill after neutrality bill, and bills to punish piracy—with respect to unquestioned piracy, no one, Mr. C. said, was more in favor of punishing it than he; but he had no idea of imputing piracy to men fighting under the flag of a people at war for independence: whilst we had pursued this course, even in advance of the legitimates of Europe, what, he asked, had been the course of England herself on this head? Here Mr. C. quoted a few passages from the work of the Abbe de Pradt, recently translated by one of our citizens, which, he said, though the author was not very popular among Crowned heads, no man could read without being enlightened and instructed. These passages dwelt on the importance of the commerce of South America, when freed from its present restraints, &c. What would I give, exclaimed Mr. C., could we appreciate the advantages which may be realized by our pursuing the course which I propose! It is in our power to create a system of which we shall be the centre, and in which all South America will act with us. In respect to commerce, we should be most benefited; this country would become the place of deposit of the commerce of the world. Our citizens engaged in foreign trade were at present disheartened by the condition of that trade; they must seek new chan-

H. OF R.

South American Independence.

MAY, 1820.

nels for it, and none so advantageous could be found as those which the trade with South America would afford. Mr. C. took a prospective view of the growth of wealth, and increase of the population of this country and of South America. That country had now a population of upwards of eighteen millions. The same activity of the principle of population would exist in that country as here. Twenty-five years hence its population might be estimated at thirty-six millions; fifty years hence, at seventy-two millions. We now have a population of ten millions. From the character of our population we must always take the lead in the prosecution of commerce and manufactures. Imagine the vast power of the two countries, and the value of the intercourse between them, when we shall have a population of forty millions, and they of seventy millions! In relation to South America the people of the United States will occupy the same position as the people of New England do to the rest of the United States. Our enterprise, industry, and habits of economy, will give us the advantage in any competition which South America may sustain with us, &c.

But however important our early recognition of the independence of the South might be to us, as respects our commercial and manufacturing interests, was there not another view of the subject, infinitely more gratifying? We should become the centre of a system which would constitute the rallying point of human wisdom against all the despotism of the Old World. Did any man doubt the feelings of the South towards us? In spite of our coldness towards them, of the rigor of our laws, and the conduct of our officers, their hearts still turned towards us, as to their brethren; and he had no earthly doubt, if our Government would take the lead and recognise them, that they would become yet more anxious to imitate our institutions, and to secure to themselves and to their posterity the same freedom which we enjoy.

On a subject of this sort, Mr. C. asked, was it possible we could be content to remain, as we now were, looking anxiously to Europe, watching the eyes of Lord Castlereagh, and getting scraps of letters doubtfully indicative of his wishes; and sending to the Czar of Russia, and getting another scrap from Count Nesselrode? Why not proceed to act on our own responsibility, and recognise these governments as independent, instead of taking the lead of the Holy Alliance in a course which jeopardizes the happiness of unborn millions? Mr. C. deprecated this deference for foreign Powers. If Lord Castlereagh says we may recognise, we do; if not, we do not. A single expression of the British Minister to the present Secretary of State, then our Minister abroad, he was ashamed to say, had moulded the policy of our Government towards South America—an expression which, like Mr. Adams's definition of republicanism, had been construed to mean any thing or nothing. We look too much abroad Mr. C. said. You may find our Ministers in England at one time at the door of the Horse Guards, and the next moment in Paternoster-Row, purchasing literature for this country. Our institutions, said

Mr. C., now make us free; but, how long shall we continue so, if we mould our opinions on those of Europe? Let us break these commercial and political fetters; let us no longer watch the nod of any European politician; let us become real and true Americans, and place ourselves at the head of the American system.

Gentlemen all said they were all anxious to see the independence of the South established. If sympathy for them was enough, the patriots would have reason to be satisfied with the abundant expressions of it. But something more was wanting. Some gentlemen had intimated that the people of the South were unfit for freedom. Will gentlemen contend, said Mr. C., because those people are not like us in all particulars, they are therefore unfit for freedom? In some particulars, he ventured to say, that the people of South America were in advance of us. On the point which had been so much discussed on this floor during the present session, they were greatly in advance of us. Grenada, Venezuela, and Buenos Ayres had all emancipated their slaves. He did not say that we ought to do so, or that they ought to have done so, under different circumstances; but he rejoiced that circumstances were such as to permit them to do it.

Two questions only, Mr. CLAY argued, were necessarily preliminary to the recognition of the independence of the people of the South; first, as to the fact of their independence; and, secondly, as to their capacity for self-government. On the first point, not a doubt existed. On the second, there was every evidence in their favor. They had fostered schools with great care; there were more newspapers in the single town of Buenos Ayres (at the time he was speaking) than in the whole kingdom of Spain. He never saw a question discussed with more ability than that in a newspaper of Buenos Ayres, whether a federative or consolidated form of government was best.

But, though every argument in favor of the recognition should be admitted to be just, it would be said that another revolution had occurred in Spain, and we ought therefore to delay. On the contrary, Mr. C. said, every consideration recommended us now to act. If Spain succeeded in establishing her freedom, the colonies must also be free. The first desire of a government, itself free, must be to give liberty to its dependencies. On the other hand, if Spain should not succeed in gaining freedom, no man could doubt that Spain, in her reduced state, would no longer have power to carry on the contest. So many millions of men could not be subjugated by the enervated arm and exhausted means of aged Spain. In ten years of war, the most unimportant province of South America had not been subdued by all the wealth and all the resources of Spain. The certainty of the successful resistance of the attempts of Spain to reduce them would be found in the great extent of the provinces of South America—of larger extent than all the Empire of Russia. The relation of the colonies and mother country could not exist, from the nature of things, under whatever aspect the Government of Spain might assume. The

May, 1820.

Proceedings.

H. of R.

condition of Spain was no reason for neglecting now to do what we ought to have done long ago. Every thing, on the contrary, tended to prove that this, this was the accepted time.

With regard to the form of his proposition, Mr. C. said, all he wanted was to obtain an expression of the opinion of the House on this subject; and whether a Minister should be authorized to one or the other of these governments, or whether he should be of one grade or of another, he cared not. This Republic, with the exception of the people of South America, constituted the sole depository of political and religious freedom; and can it be possible, said he, that we can remain passive spectators of the struggle of those people to break the same chains which once bound us? The opinion of the friends of freedom in Europe is, that our policy has been cold, heartless, and indifferent towards the greatest cause which could possibly engage our affections and enlist our feelings in its behalf.

Mr. C. concluded by saying that, whatever might be the decision of this House on this question, proposing shortly to go into retirement from public life, he should there have the consolation of knowing that he had used his best exertions in favor of a people inhabiting a territory calculated to contain as many souls as the whole of Christendom besides, whose happiness was at stake, and which it was in the power of this Government to do so much towards securing.

The resolve was reported to the House.

Mr. Cook moved to amend the resolve, by adding: "and that it is expedient to provide for the occupation of East and West Florida." Whereupon,

Mr. Coker required the previous question (which precludes all debate and amendments.)

Mr. Smith, of North Carolina, moved to lay the subject on the table; and the motion was negatived—112 to 42.

The previous question having been determined in the affirmative—

The main question, on agreeing to the said first resolve, as above stated, was decided as follows:

YEAS—Messrs. Allen of New York, Allen of Tennessee, Anderson, Archer of Virginia, Baker, Ball, Bateman, Beecher, Bloomfield, Boden, Brown, Butler of Louisiana, Campbell, Cannon, Case, Clark, Cocke, Crawford, Crowell, Culbreth, Culpepper, Culbert, Darlington, Dewitt, Dowse, Earle, Fisher, Floyd, Ford, Fullerton, Gross of New York, Guyon, Hackley, Hall of North Carolina, Hendricks, Herick, Hibshman, Holmes, Hostetter, Johnson, Jones of Virginia, Jones of Tennessee, Kinsey, Kinsley, Linn, Lyman, McCreary, McLean of Kentucky, Mallary, Marchand, Metcalf, R. Moore, S. Moore, Monell, Murray, Overstreet, Parker of Massachusetts, Patterson, Phelps, Philson, Pitcher, Plumer, Richmond, Robertson, Rogers, Ross, Shaw, Sloan, Southard, Stevens, Storrs, Tarr, Tomlinson, Tompkins, Tracy, Trimble, Walker, Wallace, Warfield, and Williams of Virginia—80.

NAYS—Messrs. Abbot, Adams, Alexander, Archer of Maryland, Baldwin, Barbour, Bayly, Brush, Bryan, Burton, Burwell, Butler of New Hampshire, Claggett, Cobb, Cook, Crafts, Cushman, Dennison, Eddy,

Edwards of Connecticut, Edwards of Pennsylvania, Edwards of North Carolina, Ervin, Folger, Foot, Forrest, Fuller, Garnett, Gross of Pennsylvania, Hall of New York, Hardin, Heister, Hill, Kendall, Kent, Little, Livermore, Lowndes, Macley, McCoy, McLane of Delaware, Meigs, Mercer, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, Parker of Virginia, Pinckney, Pindall, Reed, Rhea, Rich, Ringgold, Russ, Sampson, Sawyer, Sergeant, Silsbee, Simkins, Smith of New Jersey, Smith of Maryland, Smith of North Carolina, Street, Strong of Vermont, Strong of New York, Swearingen, Taylor, Terrell, Tucker of South Carolina, Van Rensselaer, Wendover, Whitman, Williams of North Carolina, and Wood—75.

[After Mr. CLAY sat down, there was considerable debate on the first resolve, the second being withdrawn. Mr. SERGEANT, in particular, spoke at some length in reply to parts of Mr. CLAY's speech. Besides, Messrs. STEPHENS, LOWNDES, NELSON, WILLIAMS, FLOYD, SILSBE, TRIMBLE, BRUSH, COOK, BROWN, MERCER, OVERSTREET, and SMITH, of North Carolina, took part in the debate. The sketches which we have preserved were not perfect enough to justify our attempting a report of them, at this distant day, the first we have been able to devote even to a hasty sketch of Mr. CLAY's remarks, which it was just to him, as the mover of the resolution, to publish. The result was, the adoption of the first proposition above stated, by a majority of five votes, in the House of Representatives. No ulterior proceedings, however, took place in regard to the subject.—*Eds. Nat. Int.*]

THURSDAY, May 11.

Mr. SERGEANT, from the Committee on the Judiciary, to which was referred the bill from the Senate entitled "An act to limit the term of office of certain officers therein named, and for other purposes," reported the same, without amendment, and the bill was committed to a Committee of the Whole to-morrow.

Mr. S., from the same committee, to which was also referred the bill from the Senate entitled "An act to regulate the fees of the clerk and marshal of the district court of the United States for the State of Louisiana," reported the same, without amendment; and it was committed to a Committee of the Whole to-morrow.

Mr. S. also reported the bill from the Senate entitled "An act to provide for the building an addition to the custom-house now erecting in the city of New Orleans, for the use of the district court of the United States for the State of Louisiana," without amendment; and it was laid on the table.

Mr. KENT, from the managers appointed on the part of this House, to attend the conference with the managers appointed on the part of the Senate, on the disagreeing votes of the two Houses on an amendment of this House to the bill from the Senate entitled "An act to incorporate the inhabitants of the city of Washington, and to repeal the acts heretofore passed for that purpose," made a report: whereupon the House agreed to recede from their first amendment to the said bill, and

H. OF R.

Army of the United States.

MAY, 1820.

agreed to the amendment recommended in the report of the Committee of Conference.

The bill from the Senate entitled "An act to authorize the legal representatives of Elisha Winter and William Winter, and the Attorney General on the part of the United States, to take the examination of witnesses by commission," was read twice, and referred to the Committee on Private Land Claims.

The bill from the Senate entitled "An act to authorize the appointment of commissioners to lay out a canal in the State of Ohio," was read twice, and referred to the Committee on Roads and Canals.

An engrossed bill entitled an act in addition to the act entitled "An act making appropriations for the support of Government for the year 1820," was read the third time and passed.

Mr. SIMKINS submitted the following resolution:

Resolved, That the Secretary of the Navy be requested to report to this House, at an early period of the next session of Congress, such plan or plans for a Navy Peace Establishment as he may deem expedient, with a view to a reduction of the expenditures of that establishment.

The said resolution was read and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill of this House entitled "An act to alter and establish certain post roads, with amendments;" in which they ask the concurrence of this House.

The House then resolved itself into a Committee of the Whole on the bill from the Senate for the further prevention of the crime of piracy.

The Committee were occupied some time in discussing the details of this bill and the amendments reported by the select committee of this House.

The amendments of the select committee were finally all agreed to in Committee of the Whole, concurred in by the House, and, with the bill, ordered to be read a third time.

Mr. Foor submitted the following amendment to the standing rules and orders of this House, to wit:

"It shall be the duty of the Committee on Enrolled Bills to correct any error in date in any engrossed or enrolled bills, and report such correction to the House."

The amendment was ordered to lie on the table for one day.

The House proceeded to consider the message of the Senate, informing that they insist on their disagreement to the first amendment proposed by this House, to the bill "to provide for clothing the Army of the United States in domestic manufactures, and for other purposes." Whereupon, Mr. COBB moved that the said bill be postponed indefinitely; which motion was negatived; and, on motion of Mr. MERCER, the subject was then ordered to lie on the table.

The bill, in addition to the general appropriation law, making provision for a small additional appropriation for the pay of members of Congress,

passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

ARMY OF THE UNITED STATES.

The House then, on motion of Mr. COCKE, resolved itself into a Committee of the Whole on the bill "respecting the Military Establishment of the United States."

[The provisions of this bill are as follows, viz:

SEC. 1. That, so soon as vacancies shall happen, the Army of the United States shall be commanded by one major general and two brigadier generals only; and that, after a vacancy shall have happened in the office of major general, no more than one adjutant general, one inspector general, and one deputy quartermaster general, shall be retained in service.

SEC. 2. That the assistant adjutant general, the assistant inspector general, the deputy commissioners of purchases, the regimental quartermasters, and the clerks in the office of the adjutant and inspector general, shall be dismissed from service.

SEC. 3. That the company officers of the ordnance department shall be transferred to the corps of artillery, and shall hereafter receive the pay and emoluments of officers of that corps; and it shall be the duty of the officers of the corps of artillery, when detailed for that purpose, to perform such duties as shall be assigned to them in providing, distributing, and preserving ordnance and ordnance stores.

SEC. 4. That the field officers of the corps of artillery shall consist of two colonels, two lieutenant colonels, and four majors.

SEC. 5. That one half of the monthly pay of each non-commissioned officer, musician, and private of the army, shall be retained until the soldier entitled thereto shall have been honorably discharged from service, or shall die therein.

SEC. 6. That officers of the army shall, while on furlough, be entitled to half pay only, and no other emolument.

SEC. 7. That officers, of whatever grade, ordered to attend courts martial, or to travel on any other occasion, not requiring a change of residence, shall be allowed — cents per mile for travelling, instead of an allowance for the transportation of baggage.]

The first section of this bill being read—

Mr. COCKE moved to amend the bill, by striking out the first section, and inserting in lieu thereof a provision that, from and after the passage of this act, the army shall be commanded by one brigadier general, and there shall be retained in the service no more than one adjutant general, one inspector general, and one quartermaster general.

In connexion with this motion, should it be agreed to, Mr. C. proposed to add another new section to the bill, the purpose of which was to abolish the office of adjutant and inspector general, and that the duties of the office shall hereafter be performed by an officer of no higher grade than captain; and that the assistant adjutants and inspectors general shall be dismissed from the service.

The question being stated on the first of these amendments—

Messrs. BRUSH, SIMKINS, and BLOOMFIELD, opposed the amendment, and Mr. COCKE supported it.

MAY, 1820.

Proceedings.

H. OF R.

MR. TRIMBLE moved to lay the bill on the table, with a view to enable him to offer for consideration sundry propositions, to the following effect:

1. That a retrenchment of the expenses of the Government ought to be made in all instances, where the public service will permit.

2. That it is expedient to create a Naval Peace Establishment.

3. That the Military Peace Establishment ought to be reduced to six thousand men, rank and file.

4. That the President of the United States cause plans of reduction, on the plan of these resolutions, to be laid before Congress at the next session.

MR. TRIMBLE elucidated and explained his views at considerable length.

The motion to lay the bill on the table was opposed by MR. WILLIAMS, of North Carolina, and was negatived.

The question recurring on MR. COCKE's proposed amendment—

MR. WILLIAMS, of North Carolina, spoke at considerable length in support of it.

MR. SMITH, of Maryland, and MR. BRUSH, spoke against the amendment, but generally in favor of the original bill; and MR. WILLIAMS, of North Carolina, and MR. FLOYD, in support of it.

On the question, MR. COCKE's amendment was negatived by a vote of 65 to 42.

MR. WILLIAMS, of North Carolina, then moved to amend the first section of the bill so as to make it effective from the time of its passage, and exclusive of the contingency of resignations.

This motion was opposed by Messrs. SIMKINS and JOHNSON, and supported by MR. COBB.

MR. CLAY then moved to lay the bill on the table, to give him an opportunity to move the resolve, which will be found below.

The laying the bill on the table was opposed by Messrs. WARFIELD, CANNON, and FLOYD; but was agreed to—63 to 59.

MR. CLAY then submitted a resolution, which, being immediately amended, stood in the following form:

Resolved, That the Secretary of War be directed to report to this House, at the commencement of the next session of Congress, a plan for the reduction of the army to six thousand officers, non-commissioned officers, musicians, and privates, and preserving such parts of the corps of engineers, as, in his opinion, without regard to that number, it may be for the public interest to retain; and, also, what saving of the public revenue will be produced by such an arrangement of the army as he may propose in conformity to this resolution.

After some few remarks from different gentlemen, this resolution was agreed to.

MR. SIMKINS then offered the following resolution, the subject thereof being in a manner connected, as he had observed, with that just agreed to:

Resolved, That the Secretary of the Navy be requested to report to this House, at an early period of the next session, such plan or plans for a Navy Peace Establishment as he may deem expedient, with a view to a reduction of the expenditures of that establishment.

On the question to agree to this resolve, it was decided in the negative—60 to 49.

The Committee of the Whole on the state of the Union then rose, and reported to the House the resolution, which had been agreed to.

MR. SMITH, of Maryland, moved to amend the resolve, by striking out the word "officers," so as to leave the number six thousand, exclusive of officers. This motion was agreed to—58 to 52.

MR. WILLIAMS, of North Carolina, moved further to amend this resolve, by inserting after the word "men," the words "including such reduction of the general staff required by the state of the army as herein proposed;" and the motion was agreed to.

The resolution, as amended, was then agreed to.

MR. SIMKINS then renewed the motion which he had made when in Committee of the Whole; and, on motion of MR. FLOYD, it was ordered to lie on the table.

FRIDAY, May 12.

MR. ANDERSON, from the Committee on the Public Lands, to which was referred the bill from the Senate, entitled "An act granting to the State of Ohio the right of pre-emption to certain quarter sections of land," reported the same without amendment, and it was ordered to be read a third time to-morrow.

Ordered, That the Committee on Pensions and Revolutionary Claims be discharged from the further consideration of all such matters and things to them referred during the present session, and upon which they have not reported, and that they lie on the table.

Ordered, That the Committee on Private Land Claims, to which was referred the bill from the Senate, entitled "An act authorizing the legal representatives of Elisha Winter and William Winter, and the Attorney General, on the part of the United States, to take the examination of witnesses by commission," be discharged from the further consideration thereof, and that it lie on the table.

Ordered, That the same committee, to which was also referred the bill from the Senate, entitled "An act for the relief of the legal representatives of Gabriel Berzat, deceased," be discharged from the further consideration thereof, and that it lie on the table.

MR. CAMPBELL, from the Committee on Private Land Claims, to whom was referred the bill from the Senate, entitled "An act for the relief of the inhabitants of the village of Peoria, in the State of Illinois," reported the same without amendment, and it was ordered to be read a third time to-morrow.

MR. COCKE, from the Committee on Military Affairs, to whom was referred the report of the Secretary of War, containing the proceedings of the court martial on the trial of William King, colonel of the fourth regiment of infantry, made a report, which was read, and ordered to lie on the table.

Ordered, That the Committee on Indian Affairs,

H. OF R.

The Slave Trade.

MAY, 1820.

to whom was referred the letter from the Secretary of the Treasury, transmitting an account of the annual receipts and expenditures of the Department for Indian Affairs within the District of Columbia, from its commencement to the present time, be discharged from the further consideration thereof, and that it lie on the table.

Ordered, That the Committee on Naval Affairs be discharged from the further consideration of the several matters and things to them referred during the present session, and upon which they have not reported; and that they severally lie on the table.

Mr. WOODBRIDGE, from the committee appointed to inquire whether any, and if any, what, further provision may be necessary to give effect to the provisions of the treaty made at Brownstown, in the Territory of Michigan, made a report, which was read, and ordered to lie on the table.

The SPEAKER laid before the House a letter from the Commissioner of the General Land Office, transmitting a copy of the report of the Land Commissioners at St. Helena, and a copy of their list of actual settlers, dated 24th December, 1819, and 17th March, 1820; which letter, and its accompanying documents, were ordered to lie on the table.

On motion of Mr. Foor, the House proceeded to consider the following proposition, submitted yesterday by him, viz:

Resolved, That the following be added to the standing rules and orders of this House: It shall be the duty of the Committee on Enrolled Bills to correct any error in date in any engrossed or enrolled bills, and report such correction to the House."

And the said proposition was agreed to.

The amendments proposed by the Senate to the bill, entitled "An act to alter and establish certain post roads," were read and ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed a bill, entitled "An act for the relief of Jacob Babbitt," in which they ask the concurrence of this House.

Two Messages were received from the PRESIDENT OF THE UNITED STATES:

The first of said Messages was read, and is as follows:

To the Senate and House of Representatives:

I communicate to Congress translations of letters from the Minister of Spain to the Secretary of State, received since my message of the 9th instant.

JAMES MONROE.

WASHINGTON, May 12, 1820.

The Message and accompanying documents were ordered to lie on the table.

The other Message was then read, and is as follows:

To the Speaker of the House of Representatives:

I transmit to the House of Representatives a report from the Secretary of State, with the document prepared in pursuance of a resolution of the House of the 14th ultimo, on the subject of claims of citizens of the United States for Spanish spoiliations upon their property and commerce.

JAMES MONROE.

WASHINGTON, May 12, 1820.

The Message and accompanying documents were ordered to lie on the table.

The House again proceeded to consider the amendments proposed by the Senate to the bill, entitled "An act to alter and establish certain post roads;" and the amendments were concurred in by the House.

The bill from the Senate, entitled "An act for the relief of Jacob Babbitt," was read twice, and committed to a Committee of the Whole tomorrow.

An engrossed bill, entitled "An act to amend the act, entitled 'An act authorizing the employment of additional naval force,'" was read the third time, and passed.

An engrossed "resolution authorizing the President of the United States to negotiate with foreign Governments on the means of effecting an entire abolition of the slave trade," was read the third time, and passed.

On motion of Mr. STORRS, the bill to incorporate the President and Managers of the American Colonization Society was postponed until the first day of the next session of Congress.

The bill from the Senate, "to continue in force an act to protect the commerce of the United States, and to punish the crime of piracy, and also to make further provision for punishing the crime of piracy," was read the third time, as yesterday amended at the instance of Mr. MERCER, and was passed, and returned to the Senate for concurrence in the amendment, after refusing to agree to a motion of Mr. RICH to recommit the same.

THE SLAVE TRADE.

Mr. EDWARDS, of North Carolina, moved that the Committee of the Whole, to which is committed the bill to continue in force the act, entitled "An act to protect the commerce of the United States, and to punish the crime of piracy;" the bill to incorporate the President and Managers of the American Colonization Society, and the resolutions authorizing the President of the United States to negotiate with foreign Governments on the means of effecting an entire abolition of the African slave trade, be discharged from the further consideration thereof; and, the question being taken thereon, it passed in the affirmative.

Mr. EDWARDS then moved that the said resolutions lie on the table.

A division of the question on that motion was called for; and, on the question Shall the first of the said resolutions, which is in the following words, lie on the table? to wit:

Resolved, That the President of the United States be requested to negotiate with all the Governments where Ministers of the United States are or shall be accredited, on the means of effecting an entire and immediate abolition of the slave trade.

And determined in the negative, yeas 35; nays 78, as follows:

YEAS—Messrs Adams, Alexander, Anderson, Archer of Maryland, Ball, Boden, Brevard, Buffum, Burwell, Butler of New Hampshire, Butler of Louisiana, Cobb, Crafts, Culbreth, Dennison, Eddy, Edwards of North Carolina, Folger, Hill, Hostetter, Johnson,

May, 1820.

The Loan Bill.

H. OF R.

Jones of Virginia, Kent, Livermore, Lowndes, McCoy, Newton, Parker of Virginia, Phelps, Philson, Rhea, Ross, Simkins, Smith of Maryland, and Stevens.

NAYS—Messrs. Archer of Virginia, Baldwin, Bate-man, Beecher, Bloomfield, Brush, Campbell, Case, Clagett, Clark, Cocke, Cook, Crawford, Culpeper, Cushman, Cuthbert, Darlington, Dickinson, Edwards of Connecticut, Edwards of Pennsylvania, Floyd, Foot, Fullerton, Gross of Pennsylvania, Hall of New York, Hendricks, Herrick, Hibshman, Heister, Jones of Tennessee, Kendall, Kinsey, Kinsley, Little, Linn, Maclay, McCreary, McLane of Delaware, Meigs, Mercer, R. Moore, S. Moore, Monell, Murray, Overstreet, Parker of Massachusetts, Patterson, Pindall, Pitcher, Plumer, Rich, Rogers, Russ, Sampson, Sawyer, Sergeant, Silsbee, Sloan, Smith of New Jersey, Smith of North Carolina, Southard, Storrs, Street, Strong of New York, Swearingen, Taylor, Tomlinson, Tompkins, Tracy, Tucker of South Carolina, Van Rensselaer, Wallace, Warfield, Wendover, Whitman, Williams of Virginia, Williams of North Carolina, and Wood.

The question was then taken, Shall the second resolution (which is in the following words) lie on the table? viz:

Resolved, That the President of the United States be requested to enter into a stipulation or formal declaration with the several maritime Powers, recognising the independence and permanent neutrality of any colony of the free people of color of the United States which shall be established on the western coast of Africa:

And determined in the negative.

The question was then also taken, Shall the third resolution (which is in the following words) lie on the table? viz:

Resolved, That the President of the United States be requested, in such use as he may deem it expedient to make of the public ships of the United States, to afford every aid, not inconsistent with the public welfare, to the efforts of the American Society for colonizing the free people of color of the United States upon the western coast of Africa:

And passed in the affirmative.

Mr. BRUSH then moved that the first resolution be postponed to the next session of Congress; which motion was negatived.

The first resolution was then ordered to be engrossed for a third reading.

On motion of Mr. BRUSH the second resolution was postponed to the next session.

THE LOAN BILL.

The House then proceeded to the consideration of the bill to authorize the President of the United States to borrow a sum of money for the use of the Government.

Mr. LOWNDES moved to amend the bill, by striking out that part of it which authorizes the loan to be taken for an extended time, at an interest of five per cent., so as to leave the loan to be taken at a rate not exceeding six per cent., and redeemable at the pleasure of the Government.

Mr. L. was of opinion that there was occasion, in the present circumstances of the country, to tie up the Government from redeeming this loan when

they should choose; and that it would be setting a bad example to begin now, in a time of peace, to borrow money, and make the loan so long irredeemable.

Mr. SMITH, of Maryland, opposed the motion. He was well informed, he said, that, on the terms proposed by the bill, the loan could be obtained at five per cent.; and he thought it desirable to obtain a loan at five per cent. to pay off a debt on which an interest of six per cent. was now paid. The owners of the Mississippi stock, so far as they had claims on the Government, would, perhaps, invest the whole in this loan. He was not moved by the pride of opinion, in opposing this motion, but he believed that the substantial interest of the country required the commencement of a system of loans at the interest of five per cent., and he was told that this was a favorable time for doing it.

Mr. LOWNDES said, he was not willing that the Government should be debarred, by its own act, from making use of its unappropriated lands, at any time, in the redemption of temporary loans like this. If the Government should have money thus lying idle, the gentleman would see that they would lose by it in one month what they would gain in twelve months by the difference of the rate of interest. We ought not to set the example of creating, in time of peace, a debt which it would be out of the power of the Government to extinguish at its pleasure.

Mr. SMITH said that, if he could believe that in one or two years the Treasury would be in the condition the gentleman supposed, he should not, perhaps, object to the proposed amendment. But he had no expectation that such would be the result.

Mr. WILLIAMS, of North Carolina, then moved to strike out three millions, (the proposed amount of the loan,) and in lieu thereof insert two millions. [This motion was declared not to be in order, the House having already changed the amount from two to three millions.] Mr. W. then moved to strike out three millions, and insert, in lieu thereof, two and a half millions.

Mr. W. said, he had made this motion on the ground that he had no idea that we should be able to keep in the Treasury a million of dollars for contingencies. He had no wish, he said, that Government should ever have a dollar in the Treasury more than was necessary for the authorized expenditure; believing that the expenditure would keep pace with the money in the Treasury. If more money should be necessary, the President had it always in his power to convene Congress for the purpose of providing it.

Mr. SMITH, of Maryland, said he should oppose the motion, though he believed it not very material. If the money was not wanted, it would not be borrowed. The bill contained no absolute injunction to borrow, but an authority to borrow if necessary. Mr. S. made a statement to show that, even if the whole amount of three millions of the loan should be borrowed, it would not increase the debt of the country, inasmuch as, besides the outstanding Mississippi stock, there was \$2,800,000 of

the principal of the public debt to be paid off this year.

Mr. LITTLE suggested, that calling Congress would not be a very economical process for effecting what could so easily be effected now, by leaving the bill as it stands.

Mr. FLOYD made a few remarks in favor of the motion, and then the motion was negatived.

The bill was then ordered to be engrossed for a third reading—the yeas and nays being required by Mr. COCKE, but not sustained by a sufficient number.

The bill respecting the enlistment of seamen for the Navy of the United States, was then taken up, and ordered to be engrossed for a third reading.

The bill from the Senate, providing for the relief of sick and disabled seamen, passed through a Committee of the Whole.

Several amendments were recommended by the Committee of Ways and Means, among which was the striking out two sections of the bill providing for erecting an hospital at New Orleans, and appropriating money for purchasing a building for the same purpose at Savannah. This question gave rise to considerable debate, being warmly opposed by Mr. BUTLER, of Louisiana, and Mr. CUTHBERT, but was decided in the affirmative. A new section was also added, authorizing and requiring the Secretary of the Navy to cause to be deducted, at the rate of twenty-five cents per month, from the pay of the officers and seamen of the Navy of the United States, for the purposes of this bill.

The bill, as amended, was ordered to be read a third time.

SMALL VESSELS OF WAR.

The bill from the Senate, authorizing the building of certain small vessels of war, passed through a Committee of the Whole, after being amended, so as to reduce the number from seven to five.

[The object of these vessels is to protect the revenue, and pursue pirates, &c., in the waters of our Southern coast, which are too shallow to be navigated by the vessels now in service.]

The bill was opposed by Mr. CANNON, as unnecessary, and also because the cost of the vessel (\$60,000) was not to be taken from the moneys already appropriated for repairs. It was supported by Messrs. SILSBEE, JOHNSON, and NEWTON, on the ground of its being required for the security of the revenue, and the detection of smugglers and pirates.

The question on ordering the bill to be engrossed for a third reading, was decided by yeas and nays—78 votes to 37, as follows:

YEAS—Messrs. Abbot, Allen of N. York, Anderson, Archer of Md., Archer of Virginia, Baker, Baldwin, Ball, Bateman, Bloomfield, Brush, Burton, Butler of Louisiana, Case, Cobb, Crawford, Culbreth, Culpeper, Cushman, Cuthbert, Darlington, Dennison, Dickinson, Earle, Eddy, Edwards of Connecticut, Edwards of North Carolina, Fisher, Floyd, Folger, Fullerton, Hill, Hostetter, Johnson, Jones of Tennessee, Kent, Kinsley, Little, Livermore, Lowndes, Lyman, McCoy, McLane of Delaware, Meigs, Mercer, S. Moore, Neale, Nelson of Massachusetts, Newton, Parker of Massach'ts, Phelps,

Pinckney, Pitcher, Plumer, Rankin, Rich, Rogers, Sampson, Sergeant, Silsbee, Smith of N. Jersey, Smith of Maryland, Smith of North Carolina, Stevens, Storrs, Street, Strong of New York, Swearingen, Taylor, Terrell, Tompkins, Trimble, Wallace, Warfield, Wendover, Whitman, Williams of Virginia, and Wood.

NAYS—Messrs. Adams, Allen of Tennessee, Boden, Bryan, Buffum, Campbell, Cannon, Cocke, Crafts, Foot, Forrest, Gross of Pennsylvania, Hendricks, Herrick, Hibshman, Heister, Kendall, Kinsey, Linn, Maclay, McCreary, Metcalf, R. Moore, Murray, Overstreet, Patterson, Philson, Pindall, Kendall, Rhea, Russ, Sawyer, Sloan, Southard, Strong of Vermont, Tucker of S. Carolina, Walker, and Williams of North Carolina.

The bill was subsequently read a third time, and passed.

NAVIGATION LAW.

The bill from the Senate, supplementary to the bill commonly called the *Navigation Law*, passed through a Committee of the Whole, where it was decidedly supported by Mr. NEWTON, Mr. CLAY, and Mr. FOOT.

The vote on ordering the bill to be engrossed for a third reading was decided affirmatively by yeas and nays—94 to 25, as follows:

YEAS—Messrs. Abbot, Alexander, Allen of N. York, Allen of Tennessee, Anderson, Archer of Maryland, Archer of Virginia, Baker, Bateman, Bloomfield, Brevard, Brush, Butler of New Hampshire, Butler of Louisiana, Campbell, Cannon, Clagett, Cobb, Crafts, Crawford, Culbreth, Culpeper, Cushman, Cuthbert, Dickinson, Earle, Eddy, Edwards of Connecticut, Edwards of North Carolina, Fisher, Floyd, Folger, Foot, Fullerton, Gross of Pennsylvania, Hall of New York, Hibshman, Heister, Hill, Jones of Virginia, Kent, Kinsley, Little, Linn, Livermore, Lowndes, Lyman, Maclay, McCreary, McLane of Delaware, Meigs, Mercer, Metcalf, S. Moore, Murray, Neale, Nelson of Massachusetts, Newton, Overstreet, Parker of Massachusetts, Pindall, Pitcher, Plumer, Rankin, Rhea, Rich, Rogers, Russ, Sampson, Sergeant, Silsbee, Simkins, Smith of New Jersey, Smith of Maryland, Smith of North Carolina, Southard, Stevens, Storrs, Strong of Vermont, Strong of New York, Swearingen, Taylor, Terrell, Tompkins, Trimble, Tucker of South Carolina, Van Rensselaer, Walker, Wallace, Warfield, Wendover, Whitman, Williams of North Carolina, and Wood.

NAYS—Messrs. Adams, Baldwin, Ball, Boden, Burwell, Clark, Cocke, Darlington, Dennison, Forrest, Garnett, Hendricks, Herrick, Hostetter, Johnson, Kinsey, McCoy, R. Moore, Patterson, Philson, Pinckney, Sawyer, Sloan, Street, and Williams of Virginia.

The bill was then read the third time, and passed.

Seven o'clock. P. M.

The bill to amend the act for the reservation of timber lands for naval purposes; the bill to continue in force the act to provide for persons disabled by known wounds in the Revolutionary war; and the bill to provide for repairing the General Post Office building,—passed through Committees of the Whole, and were ordered to be engrossed for a third reading.

The bill for the relief of Margaret Hall, (late Margaret McKenzie,) passed through a Committee of the Whole, and was ordered to lie on the table.

MAY, 1820.

Proceedings.

H. OF R.

The bill designating the ports within which only foreign-armed vessels shall be permitted to enter; the bill to increase the number of clerks in the War Department; and the bill for the relief of Richard S. Hackley, severally passed through Committees of the Whole, and were ordered to be engrossed for a third reading.

The bill making appropriations for carrying into effect the treaty lately concluded with the Chipewa nation of Indians, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading.

The bill to extend the jurisdiction of justices of the peace in the recovering of debts in the District of Columbia, passed through a Committee of the Whole, and was ordered to lie on the table.

The bill for the relief of Ebenezer Stevens and Austin L. Sands, legal representatives of Richardson Sands, passed through a Committee of the Whole.

Mr. RHEA moved that the said bill be postponed indefinitely; but, before this question was decided, about 10 o'clock the House adjourned.

SATURDAY, May 13.

Mr. SMITH, of North Carolina, from the Committee of Accounts, to whom was referred the report of the Speaker, and his account, with the voucher in support thereof, respecting the expenditures for furnishing the hall and offices of the House of Representatives, made a report; which was read, and the resolution and order therein contained were concurred in by the House as follows, viz:

Resolved, That the House doth approve of the said expenditure, amounting to the sum of twenty-four thousand nine hundred and seven dollars thirty-seven and a half cents, and that it be certified to the Treasury accordingly.

Ordered, That the Committee of Ways and Means, the Committee on Private Land Claims, the Committee on the Judiciary, the Committee of Claims, the Committee on Roads and Canals, and the Committee on Foreign Relations, severally, be discharged from the further consideration of all such matters and things to them respectively referred during the present session, and upon which they have not reported.

Mr. STORRS, from the Committee on Roads and Canals, to which was referred the bill from the Senate, entitled "An act for the appointment of Commissioners to lay out a canal in the State of Ohio," reported the same without amendment; and it was referred to the Committee of the Whole, to which is committed the bill providing for the preservation and repair of the Cumberland Road.

On motion of Mr. METCALF,

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to obtain all the information he can, and to lay before this House, as soon as may be practicable, after the commencement of the next session of Congress, the quantity of land sold under the provisions of the law passed on the 27th day of April, 1820, entitled "An act making further provision for the sale of the pub-

lic lands." And, also, the name of each purchaser; the number of acres sold to each individual, or company, or body corporate; the sum, per acre, for which the same was sold; and to distinguish that which shall be sold at private from that which is sold at public sale.

Bills from the Senate of the following titles, to wit: An act granting to the State of Ohio the right of pre-emption to certain quarter sections of lands; and An act for the relief of the inhabitants of the village of Peoria, in the State of Illinois; were severally read the third time, and passed.

The bill from the Senate to provide relief for sick and disabled seamen was read a third time, as amended, and passed. [The bill, as it stands, contains provisions (they having been reinstated) for the erection of a hospital at New Orleans, and of another at Savannah.]

Engrossed bills of the following titles, to wit: An act to amend the act making reservation of certain public lands to supply timber for naval purposes; An act designating the ports within which only foreign armed vessels shall be permitted to enter; An act to revive and continue in force an act, entitled "An act to provide for persons who were disabled by known wounds received in the Revolutionary war, and for other purposes;" An act providing for repairing the roof of the General Post Office, and to procure an engine for the protection of the said building; An act for the relief of Richard S. Hackley; and an act to increase the number of clerks in the War Department; were severally read the third time, and passed.

The House proceeded to consider the bill from the Senate, entitled "An act for the relief of Ebenezer Stevens and Austin L. Sands, legal representatives of Richardson Sands, deceased, and others:" whereupon, it was ordered to lie on the table.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of the legal representatives of Trench Francis, deceased." The bill was reported without amendment, and ordered to be read a third time to-day. It was accordingly read a third time, and passed.

The bill for the relief of Margaret Hall, late McKenzie, was taken up, ordered to a third reading, and subsequently read the third time, and passed.

The bill for the relief of Joshua Newsom, Peter Crooks, and James Rabb; the bill for the relief of Conrad Laub; the bill to authorize the Governor of the State of Illinois to obtain certain abstracts of land from certain public offices; the bill providing for the expense of surveying certain parts of the coast of North Carolina; severally passed through Committees of the Whole, were ordered to be engrossed for a third reading, and were subsequently read a third time, and passed.

The bill from the Senate, to continue in force the act "to provide for reports of decisions of the Supreme Court," passed through the usual forms, and was read a third time, and finally passed; as

H. OF R.

The Loan Bill.

MAY, 1820.

also did the bill from the Senate for altering the times of holding the court of the United States for the Western District of Pennsylvania.

The bill for the relief of Thomas Hunter passed through a Committee of the Whole, and was, on motion of Mr. COBB, ordered to lie on the table.

The bills from the Senate for the relief of Richard Smyth, and for the relief of Ambrose Vasse, passed through the usual forms, and were read a third time, and finally passed.

The bill from the Senate for the relief of Thos. Leiper passed through the usual forms, being opposed by Mr. RHEA, and supported by Messrs. SERGEANT and MACLAY, and was read a third time, and finally passed.

The bills from the Senate for the relief of Richard O'Brien and James L. Cathcart, passed through Committees of the Whole, and were read a third time, and passed—the latter with an amendment.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act for the relief of the President, Directors, and Company, of the Merchants' Bank of Newport, in Rhode Island; the bill was reported without amendment, and ordered to lie on the table.

The House resolved itself into a Committee of the Whole on the bill confirming certain claims to land in the State of Illinois; which was reported without amendment, and ordered to be engrossed and read a third time to-day, which was subsequently done and the bill passed.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act to authorize the erection of a lighthouse on one of the Isles of Shoals, near Portsmouth, in New Hampshire." The bill was reported with amendments; which were concurred in by the House, and the amendments ordered to be engrossed, and the bill read a third time to-day. The bill was accordingly read the third time, and passed as amended.

Ordered, That the title be amended, by adding thereto, "and for other purposes;" and that the Clerk acquaint the Senate therewith, and request their concurrence in the said amendments.

The SPEAKER laid before the House a letter from GEORGE F. STROTHER, resigning his seat as one of the Representatives for the State of Virginia; which was ordered to lie on the table.

The House proceeded to consider the bill from the Senate, entitled "An act for the relief of Thomas Hunter;" whereupon, the bill was ordered to be read a third time to-day. It was accordingly read the third time, and passed.

On motion of Mr. NEWTON, the Secretary of the Treasury was directed to report to the House of Representatives, at the commencement of the next session of Congress, what alterations or modifications, if any, are required in the several acts of Congress, fixing the fees and emoluments of the collectors of the customs, naval officers, and surveyors of the customs; and, also, a plan for compensating such officers according to the services respectively performed by them.

The bill making appropriations for carrying into

effect the treaty lately concluded with the Chipewewa nation of Indians, passed through a Committee of the Whole, and was ordered to be engrossed for a third reading on Monday next.

The House resolved itself into a Committee of the Whole on the bill from the Senate, entitled "An act to authorize the appointment of commissioners to lay out the road therein mentioned." The bill was reported with amendments, which were concurred in by the House.

The question was then taken, Shall the amendments be engrossed, and the bill read a third time? and passed in the affirmative—yeas 74, nays 35, as follows:

YEAS—Messrs. Allen of New York, Anderson, Baker, Baldwin, Bateman, Beecher, Bloomfield, Boden, Brush, Butler of New Hampshire, Butler of Louisiana, Campbell, Cook, Crafts, Crowell, Cushman, Cuthbert, Darlington, Dennison, Dowse, Earle, Eddy, Edwards of Pennsylvania, Fullerton, Hendricks, Herrick, Hibshman, Hill, Hostetter, Kinsey, Little, Linn, Livermore, Lowndes, Lyman, Maclay, Metcalf, R. Moore, S. Moore, Monell, Moseley, Murray, Neale, Newton, Parker of Mass., Patterson, Philson, Pinckney, Pitcher, Plumer, Rankin, Rich, Ringgold, Rogers, Ross, Sergeant, Silsbee, Sloan, Smith of Maryland, Southard, Storrs, Street, Strong of New York, Swearingen, Taylor, Tomlinson, Tracy, Trimble, Van Rensselaer, Wallace, Warfield, Wendover, Whitman, and Wood.

NAYS—Messrs. Adams, Alexander, Archer of Maryland, Archer of Virginia, Ball, Buffum, Burton, Case, Claggett, Clark, Cobb, Crawford, Culpeper, Edwards of Connecticut, Edwards of North Carolina, Floyd Folger, Foot, Forrest, Garnett, Gross of Pennsylvania, Hall of New York, Hall of North Carolina, Heister, Johnson, Kinsley, McCreary, Meigs, Nelson of Virginia, Rhea, Russ, Sawyer, Tompkins, Williams of Virginia, and Williams of North Carolina.

Ordered, That the said bill be read a third time to-day. It was accordingly read the third time and passed.

LOAN BILL.

An engrossed bill, entitled "An act to authorize the President of the United States to borrow three millions of dollars, and for other purposes," was read the third time; and the question was taken, Shall the bill pass? and it passed in the affirmative—yeas 75, nays 30, as follows:

YEAS—Messrs. Alexander, Allen of New York, Allen of Tennessee, Anderson, Archer of Maryland, Ball, Bateman, Beecher, Brevard, Brush, Bryan, Buffum, Butler of New Hampshire, Butler of Louisiana, Case, Claggett, Cook, Culbreth, Cushman, Cuthbert, Dennison, Dowse, Eddy, Edwards of Connecticut, Floyd, Folger, Foot, Forrest, Fullerton, Gross of Pennsylvania, Heister, Hill, Johnson, Jones of Tennessee, Kinsley, Little, Lowndes, Maclay, McCreary, Meigs, S. Moore, Murray, Neale, Nelson of Massachusetts, Nelson of Virginia, Newton, Parker of Massachusetts, Patterson, Phelps, Philson, Pinckney, Pitcher, Rankin, Rhea, Rich, Rogers, Sampson, Sergeant, Silsbee, Smith of New Jersey, Smith of Maryland, Smith of North Carolina, Street, Strong of New York, Tarr, Taylor, Tomlinson, Tompkins, Trimble, Van Rensselaer, Wallace, Wendover, Williams of Virginia, and Wood.

MAY, 1820.

Tonnage Duty on French Ships.

H. OF R.

NAYS—Messrs. Adams, Baldwin, Boden, Burton, Burwell, Campbell, Cannon, Cobb, Cocke, Crafts, Culpeper, Edwards of Pennsylvania, Edwards of North Carolina, Hendricks, Hostetter, Kendall, Kinsey, Linn, Livermore, McCoy, Metcalf, Plumer, Ross, Sloan, Southard, Storrs, Strong of Vermont, Tucker of South Carolina, Walker, and Williams of North Carolina.

So the bill was passed.

TONNAGE DUTY ON FRENCH SHIPS.

The House then resolved itself into a Committee of the Whole on the bill to impose a new tonnage duty on French ships and vessels.

[The first section of the bill provides that, in lieu of the tonnage duty now paid on French ships or vessels, there shall be paid a duty of eighteen dollars per ton, on all French ships or vessels which shall be entered in the United States, any act to the contrary notwithstanding: *Provided, however,* That nothing contained in this act shall be so construed as to prevent the extension of the provisions of the act, entitled "An act to repeal so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty on tonnage between foreign vessels and vessels of the United States, and between the goods imported into the United States in foreign vessels, and vessels of the United States," to French ships and vessels, and the goods imported therein, whenever the Government of France shall accede to the provisions of the act above referred to.

Sec. 2. That the tonnage duty laid, and directed to be paid by this act, shall be collected and paid according to the provisions of the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine.

Sec. 3. That this act shall commence, and be in force, from and after the first day of July, one thousand eight hundred and twenty.]

Mr. NEWTON, the chairman of the Committee of Commerce, gave a brief exposition of the causes which rendered expedient the passage of this bill. The documents laid before Congress on the subject, he said, showed that all attempts at negotiation on it had failed. The policy of the United States had been just and liberal. We had offered every thing that could be offered, on terms of reciprocity, to induce France to abandon her policy, so injurious to our commercial and navigating interest. We had offered her the same terms as had been accepted by Russia, by the Netherlands, and by the Hanseatic cities; but we had offered it in vain.

Mr. N. said he was very sorry that it became his duty now to advocate a policy which was abhorrent to his mind—that of restrictions on commerce. He was happy that our Government had shown to the nations of the world the example of placing commerce on the most liberal footing; but, as France had refused to reciprocate that liberality, it has now become our imperious duty to come back, in regard to France, to the policy which she herself pursues. In consequence of her illiberality, in this respect, we are compelled to resort to the

measure now under consideration. She is now in possession of a positive advantage over us, by her regulations. Will she voluntarily give it up? It has been already shown that she will not; and she will continue to refuse to give it up, until she finds that, by persisting in it, she has subjected her own commerce to inconvenience. In order, therefore, to enable the President of the United States, between this time and the next session of Congress, to negotiate with the French Government to some effect, it was necessary to pass this bill. There is in the bill a provision that, if the French Government feels disposed to enlarge its policy in regard to us, all restrictions on her commerce in our ports will be done away, and her vessels will be placed on the same footing in the ports of the United States as those of Great Britain now are. If we do not resort to this measure, the door of negotiation will remain, as it now is, shut in our face. These considerations being taken into view, he hoped the Committee would see the necessity of passing this bill.

Without further debate, the Committee rose and reported the bill, and it was ordered to be engrossed for a third reading; and was subsequently read a third time, passed, and sent to the Senate for concurrence.

And the House adjourned to meet at nine o'clock on Monday.

MONDAY, May 15.

Ordered, That the Committee of Commerce be discharged from the further consideration of the petitions, bills, and other matters and things, to them referred at the present session, and upon which they have finally acted.

On motion of Mr. TAYLOR,

Resolved, That the Clerk of this House cause to be prepared and printed, for the use of the members, a list of business remaining undetermined, which, by the existing rule, is to be resumed and acted upon at the next session of Congress; designating bills, reports, and resolutions committed, from those laid on the table.

On motion of Mr. SAWYER, the Secretary of the Treasury was directed to report to the House, at the next session of Congress, such offices of the customs as may be properly suppressed on account of their inutility or from any other cause.

An engrossed bill making appropriations for carrying into effect the treaty lately concluded with the Chippewa nation of Indians, was read the third time and passed.

Ordered, That the title be "An act making appropriations for carrying into effect the treaties concluded with the Chippewa and Kickapoo nations of Indians;" and that the Clerk carry the said bill to the Senate, and ask their concurrence therein.

A message from the Senate informed the House that the Senate concur in the first, third, fourth, and fifth, and disagree to the second and sixth amendments proposed by the House of Representatives to the bill, entitled "An act to provide relief for sick and disabled seamen." They have passed the bill of

this House, entitled "An act to authorize the President of the United States to borrow three millions of dollars and for other purposes," with amendments, in which they ask the concurrence of this House.

Mr. TRIMBLE moved that the Committee of the Whole, to which is committed the bill from the Senate, entitled "An act granting certain privileges to the Ocean Steamship Company of New York," be discharged from the further consideration thereof. This motion was rejected by the House.

The Loan bill, returned from the Senate with amendments, the object of which was to increase the authority to borrow five millions, instead of three, and to strike out what relates to the surplus of the Sinking Fund, and to the funding of the Mississippi stock, was taken up.

Mr. SMITH, of Maryland, who regarded the amendment as going to do covertly what the bill proposed to do openly, moved that the House disagree to the amendments, and ask a conference with the Senate on the disagreement. This was agreed to.

The House proceeded to consider the message from the Senate, stating their disagreement to the second and sixth of the amendments proposed by this House to the bill, entitled "An act to provide relief for sick and disabled seamen;" whereupon,

Resolved, That this House doth insist on their said second amendment, and recede from their sixth amendment to the bill aforesaid.

The House proceeded to consider the bill to extend the jurisdiction of justices of the peace in the recovery of debts in the District of Columbia: Whereupon, the bill was again ordered to lie on the table.

A message from the Senate informed the House that the Senate have passed the bill of this House, entitled "An act designating the ports within which, only, foreign armed ships shall be permitted to enter;" with an amendment, in which they ask the concurrence of this House.

The amendment proposed by the Senate to the bill, entitled "An act designating the ports, within which, only, foreign armed vessels shall be permitted to enter," was concurred in by the House.

On motion of Mr. SMITH, of Maryland,

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized to pay, out of the contingent fund of the House, such sum as he may deem just, not exceeding the compensation of the regular clerks of his department, for the same period, to an assistant clerk, during the present session.

The House proceeded to consider the bill from the Senate, entitled "An act to provide for building an addition to the custom-house now erecting in the city of New Orleans, for the use of the district court of the United States for the State of Louisiana;" when it was ordered that the said bill be read a third time to-day. It was accordingly read the third time, and passed.

Mr. HENDRICKS moved that the House do now proceed to consider the bill from the Senate, entitled "An act to authorize the President of the

United States to ascertain and designate certain boundaries;" which was rejected by the House.

On motion of Mr. STREET, the Committee of the Whole to which is committed the bill from the Senate, entitled "An act granting certain privileges to the Ocean Steamship Company of New York," were discharged from the further consideration thereof.

The House then proceeded to consider the said bill; when it was, on motion of Mr. WILLIAMS, of North Carolina, ordered to lie on the table.

Mr. ARCHER, of Maryland, laid in at the Clerk's table sundry statements, marked A B C E and F, in relation to the expenditures of public moneys in the Navy Department; which were ordered to lie on the table.

Ordered, That the Committee on the Public Buildings, and the Committee on the Expenditures in the War Department, respectively, be discharged from the further consideration of the several matters and things to them referred during the present session, and upon which they have not finally acted.

A message from the Senate informed the House that the Senate have passed bills of this House, of the following titles, to wit: "An act to revive and continue in force an act, entitled "An act to provide for persons who were disabled by known wounds received in the Revolutionary war, and for other purposes;" and an act in addition to the act, entitled "An act making appropriations for the support of Government for the year 1820;" with amendments to each, in which they ask the concurrence of this House.

The Senate insist on their amendments disagreed to by this House to the bill, entitled "An act authorizing the President of the United States to borrow three millions of dollars, and for other purposes; and have agreed to the conference asked by this House thereon, to which they have appointed managers on their part.

The amendment proposed by the Senate to the bill, entitled "An act in addition to the act, entitled 'An act making appropriations for the support of Government for the year 1820;' was read, and committed to a Committee of the Whole. The House then resolved itself into a Committee of the Whole on the amendment; the Committee rose, and reported their agreement thereto; and the amendment was concurred in by the House.

The amendment proposed by the Senate to the bill, entitled "An act to revive and continue in force an act, entitled 'An act to provide for persons who were disabled by known wounds received in the Revolutionary war, and for other purposes,'" was concurred in by the House.

Mr. SMITH, of Maryland, from the managers on the part of this House at the conference on the disagreeing votes of the two Houses on the amendments depending to the bill, entitled "An act authorizing the President of the United States to borrow three millions of dollars, and for other purposes," made a report: Whereupon,

Resolved, That this House insist on their disagreement to the first and fourth of the amendments proposed by the Senate to the said bill, and re-

MAY, 1820.

Treasury Department—Thanks to the Speaker.

H. OF R.

cede from their disagreement to the *third* of the said amendments.

TREASURY DEPARTMENT.

The House, on motion of Mr. SERGEANT, resolved itself into a Committee of the Whole, on the bill from the Senate, in addition to the acts providing for the better organization of the Treasury Department.

[This bill provides a summary process for the recovery of moneys belonging to the United States, in the hands of individuals, collectors, and other public agents, &c.]

The bill gave rise to a debate, begun by Mr. EDWARDS, of North Carolina, in opposition to the bill, which was supported by Mr. SERGEANT and others.

The objection set up to the bill was, that it proposed to violate the right, secured by the Constitution, of a trial by jury, &c., and also the other right, that no man should be deprived of his property without due process of law.

In reply to this objection, it was argued, that there was nothing proposed but what was sanctioned by numerous precedents, such as sales for non-payment of taxes, &c. The moment a man receives the public money, he is the agent or instrument of the Treasury, and ought to be subject to its power, so far as to compel him to account for the money which he has received, and refuses or neglects to account for.

The bill having been reported to the House, a motion was made by Mr. CROWELL to postpone the further consideration thereof to the first day of the next session; which was negatived.

The bill was then ordered to be read a third time; and was subsequently read a third time, and passed—by yeas and nays—89 to 14, as follows:

YEAS—Messrs. Abbot, Adams, Alexander, Anderson, Archer of Maryland, Archer of Virginia, Baker, Baldwin, Bloomfield, Brevard, Buffum, Burton, Burwell, Butler of New Hampshire, Campbell, Case, Cobb, Cook, Crafts, Crawford, Culpeper, Cushman, Cuthbert, Darlington, Dennison, Dickinson, Dowse, Eddy, Edwards of Connecticut, Ervin, Fisher, Folger, Forrest, Gross of Pennsylvania, Hibshman, Heister, Hill, Hostetter, Johnson, Jones of Tennessee, Kent, Kinsey, Little, Linn, Lowndes, Maclay, McCreary, Meigs, Metcalf, R. Moore, S. Moore, Monell, Murray, Neale, Newton, Overstreet, Parker of Massachusetts, Patterson, Philson, Rankin, Rhea, Rich, Ringgold, Rogers, Russ, Sampson, Sawyer, Sergeant, Silsbee, Sloan, Smith of New Jersey, Smith of Maryland, Storrs, Street, Strong of Vermont, Strong of New York, Taylor, Terrell, Tomlinson, Tompkins, Tucker of South Carolina, Van Rensselaer, Wallace, Warfield, Wendover, Whitman, Williams of Virginia, Williams of North Carolina, and Wood.

NAYS—Messrs. Allen of New York, Ball, Bateman, Brush, Butler of Louisiana, Crowell, Edwards of North Carolina, Foot, Garnett, Hendricks, Herrick, Nelson of Virginia, Ross, and Swearingen.

A message from the Senate informed the House that the Senate have passed the bill of this House entitled "An act for the relief of the legal representatives of Conrad Laub, deceased," with an amendment. The Senate recede from their first

and fourth amendments to the bill, entitled "An act authorizing the President of the United States to borrow three millions of dollars, and for other purposes."

The amendment proposed by the Senate to the bill, entitled "An act for the relief of the legal representatives of Conrad Laub, deceased," was read, and concurred in by the House.

THANKS TO THE SPEAKER.

The House having got through the business before it—

Mr. WARFIELD, of Maryland, rose and observed, that although it had been customary, whenever there existed a disposition on the part of the House by an unanimous vote to express their unqualified approbation of the course pursued by the Speaker, to delay the expression of that opinion until the termination of the period for which he was elected, yet he was induced, on this occasion, to depart from that course, having distinctly understood that it was the intention of the Speaker to decline the duties of the Chair at the close of the present session. Any observations, said Mr. W., to enforce the justice and propriety of unanimously adopting the resolution would be altogether superfluous. Every member of the House, in common with himself, had witnessed, during the present laborious and protracted session, the dignity, ability, and impartiality, with which the Speaker had discharged the duties of his station; and he was persuaded there was not a member of that body to whom it would not afford the truest gratification to offer the small tribute of respect and approbation intended to be expressed in the resolution then before them. Mr. W. then submitted the following resolution, the question on which being put by the Clerk, it was adopted unanimously:

Resolved, unanimously, by the House of Representatives of the United States of America, That the thanks of this House be given to the honorable HENRY CLAY, Speaker thereof, for the dignity, ability, and impartiality with which he has discharged the duties of that station.

Upon which Mr. CLAY rose, and addressed the House as follows:

GENTLEMEN: The House of Representatives has, on former occasions, honored me by a vote of its thanks. I then felt that the sole claim which I had to a testimony of the public approbation, so distinguished, was the zeal with which I have ever sought to discharge the highly responsible duties of the Chair; and I am now sensible that I am indebted to your belief of the continued exertion of that zeal for the fresh proof of your favorable sentiments towards me, in the resolution which you have just adopted.

If, gentlemen, the traveller parts with regret from those agreeable acquaintances which he casually makes, as he journeys on his way, how much more painful must be the separation of those who have co-operated many months in the anxious endeavor to advance the prosperity of a common country; who have been animated by mutual sympathies; and who have become endeared to each other by an interchange of all the friendly offices incident to the freest social intercourse? Addressing you as I now do, probably the last time from this place, I confess I feel a degree of emotion

H. OF R.

Adjournment.

MAY, 1820.

which I am utterly unable to express. I shall carry with me into that retirement which is necessary to the performance of indispensable private duties, a grateful recollection of all your kindnesses; of the respectful and affectionate consideration of me which you have always evinced; of the generous and almost unlimited confidence which you have ever reposed in me; and of the tenderness with which you have treated even my errors. But, interesting as have been the relations in which I have stood, for many years, to this House, I have yet higher motives for continuing to behold it with the deepest solicitude. I shall regard it as the great depository of the most important powers of our excellent Constitution; as the watchful and faithful sentinel of the freedom of the people; as the fairest and truest image of their deliberate will and wishes;

and as that branch of the Government where, if our beloved country shall unhappily be destined to add another to the long list of melancholy examples of the loss of public liberty, we shall witness its last struggles and its expiring throes.

Gentlemen, I beg you to carry with you my sincerest wishes for your individual happiness, and the prosperity of your respective families.

MR. SMITH, of Maryland, and Mr. VAN RENSSELAER having been appointed to wait on the President, reported to the House that the President had no further communication to make; and

The House adjourned to the second Monday in November next, being the thirteenth day of the month.

APPENDIX

TO THE HISTORY OF THE SIXTEENTH CONGRESS.

[FIRST SESSION.]

COMPRISING THE MOST IMPORTANT DOCUMENTS ORIGINATING DURING THAT CONGRESS, AND THE PUBLIC ACTS PASSED BY IT.

DANISH BRIG HENRICK.

[Communicated to Congress, December 28, 1819.]

*To the Senate and House of
Representatives of the United States:*

On the 23d of February, 1803, a Message from the President of the United States was transmitted to both Houses of Congress, together with the report of the then Secretary of State, Mr. Madison, upon the case of the Danish brigantine Henrick and her cargo, belonging to citizens of Hamburg, recommending the claim to the favorable consideration of Congress. In February, 1805, it was again presented, by a Message from the President, to the consideration of Congress, but has not since been definitively acted upon.

The Minister resident* from Denmark and the Consul General from Hamburg having recently renewed applications in behalf of the respective owners of the vessel and cargo, I transmit, herewith, copies of their communications for the further consideration of the Legislature, upon whose files all the documents relating to the claim are still existing.

JAMES MONROE.

WASHINGTON, Dec. 24, 1819.

From the Consul General of Hamburg to the Secretary of State.

HAMBURG CONSULATE GENERAL,
Philadelphia, Nov. 9, 1819.

SIR: On behalf of several of the citizens of Hamburg, I have the honor to solicit your attention to the subject of their interests in the cargo of the Danish brigantine Henrick, Peter Scheelt, master, which was captured by a public armed vessel of the United States in the year 1799, with a request that you will be pleased to lay the case before the President of the United States, that, if he shall see proper, he may submit it to the consideration of Congress.

This vessel and cargo have been heretofore

within the view of the Executive of the United States, and have been the subject of a very favorable representation from the Department of State. It will not, therefore, be necessary that I should enter into a minute detail of the circumstances attending it, as the public records of the Government contain a full and faithful statement of them.

I deem it proper at this time, sir, to present the case before you in this summary way. The vessel in question was Danish property; the cargo on board belonged exclusively to citizens of Hamburg; and, of course, the whole was neutral in the then existing war. She sailed from Hamburg, bound to Cape François, on the 3d of October, 1799. She was taken by a French privateer, and on the 8th of the same month was recaptured by the American public vessel called the *Pickering*, and carried into St. Christopher's. At this British island the vessel and cargo were libelled for salvage; one-half of the gross amount of sales was decreed to the recaptors, and the other half, after deducting costs and expenses, to the owners. Of the value of the cargo, amounting to upwards of thirty-four thousand dollars, nearly the whole was lost, as appears by the documents heretofore exhibited on this subject to the Department of State.

In the past consideration of this affair, it seems to have been plainly conceded that it was the duty of the American commander to have brought the property recaptured under the authority of the United States within their jurisdiction, and that if this duty had been performed the vessel and cargo would have been released either altogether, or upon payment of the most moderate rate of salvage. By a different line of conduct from that which should have been pursued, the property was involved in a sentence proceeding from a palpable misconception and misapplication of a law of the United States, and its almost total loss was the consequence. The owners, thus heavily suffering from the conduct of the American commander of a public vessel, had no remedy for the injury they had sustained but an appeal to the justice of the American Government. This appeal was made

*The application of the Minister was verbal.

Danish Brig Henrick.

on behalf of the whole interest, and its justice was in various departments of the Government distinctly recognised; but the redress suited to the case has never yet been afforded.

It is supposed that the conduct of the Danes towards American property may have had its effect upon the American Government in postponing its just purposes towards the owners of the property in question. But it is respectfully submitted that this consideration, if it has any existence, ought not to affect the interests of the owners of the cargo, who are citizens of Hamburgh, and who now separately make their claim to retribution.

Most respectfully inviting your attention, sir, to the documents in the Department of State, in relation to the brigantine *Henrick* and cargo, and to several reports of committees of the House of Representatives in Congress on the subject of this claim, I do earnestly submit the claim of the owners of the cargo to your consideration, and request that it may be laid before the President of the United States, in order that a just recompense may be had for the heavy injuries which have been thus sustained.

Permit me, sir, to assure you of my particular regard and consideration, wherewith I have the honor to remain, sir, your most obedient servant,

C. N. BUCK,

Consul Gen. of Hamburgh to the U. S.

Hon. JOHN Q. ADAMS,

Secretary of State.

[The following report on the same subject was made February 8, 1820.]

The Committee on Foreign Relations, to whom was referred the Message of the President of the 24th of December last, recommending to Congress the consideration of the case of the Danish brigantine *Henrick* and her cargo, respectfully report, that they have thought it right to present to the House that view of the circumstances of the case which is contained in the report made by Mr. Madison on the 22d of February, 1803:

"The Secretary of State has the honor to report to the President of the United States, upon the note of the Minister of His Danish Majesty, dated on the 9th instant, as follows:

"That it appears that the Danish brigantine *Henrick*, Captain Peter Scheelt, sailing from Hamburgh, loaded with an assorted cargo, and bound to Cape François, was captured on the 3d of October, 1799, by a French privateer, and, on the 8th of the same month, she was recaptured by an American public armed vessel called the *Pickering*, and carried to the British island of St. Christopher, where she arrived on the 10th.

"That, from an authenticated transcript of the proceedings in the case of the said vessel, had before the court of vice-admiralty at the said island, it appears that the said court took cognizance of the case, and awarded one-half of the gross amount of the sales of the brig and her cargo to be paid to the recaptors, and the other half, after deducting costs and expenses, to be restored to the owners. That this rate of salvage appears to have been

adopted from the laws of the United States, as then applicable to recaptors of American property, and of such as belonged to belligerent Powers in amity with the United States; but it is believed that these laws had, according to decisions of our own courts, no reference to recaptures of neutral property. That admitting, what has received the sanction of some recent authorities, that, in certain peculiar cases of danger of a neutral being condemned by a belligerent, the recaptors are entitled to a proportionate salvage, there is much reason to believe this is not such a case, as the vessel was bound from a neutral to a French port, the whole of the property being neutral, and, according to the assurance of Mr. Lindemann, the Governor of the Danish West India islands, most of the Danish vessels carried into Guadaloupe, for a year before this capture, were released, and some of them with damages. That the courts of the United States have, in cases much more strongly marked by circumstances indicating a danger of a neutral being condemned, allowed much smaller rates of salvage.

"That the laws of the United States required vessels captured under their authority to be brought within their jurisdiction; and it is conceived that it was the duty of the American officers, in this case, to repel the attempt of the foreign judiciary to take cognizance, much less ought they to have directly submitted their recapture to its decision, which, as it could not be revised or rectified, in case of error, by the tribunals of their own country, might tend to involve it in claims on its responsibility from others.

"That, according to the representation of the agent for the owners of the Danish vessel, of the sum of \$44,500, the value of the vessel, freight, and cargo, there remained, after satisfying the decree for salvage and expenses, no more than \$8,374 41.

"That, as the policy and interest of the United States lead them, in a special manner, to respect and promote the rights and facilities of neutral commerce; as the sentence in this case was permitted, if not procured, by officers of the United States, to be made in a foreign, and therefore improper tribunal; as there remains no doubt but that a court of the United States, pronouncing thereon, would either have rejected the claim for salvage altogether, or reduced it to the most moderate scale, as the declared basis of the sentence; as the law of the United States was inapplicable to the case; and as it is understood that a remedy is now unattainable, in the ordinary judicial course, it is the opinion of the Secretary of State that, under all the circumstances, the case ought to be referred to the just provisions of Congress thereon.

"All which is respectfully submitted.

"JAMES MADISON.

"DEPARTMENT OF STATE, Feb. 22, 1803."

The examination of the subject by the committee has led them to an entirely different conclusion, as to the obligations of the United States, from that which seems to be intimated in the foregoing report. The laws of the United States required

Danish Brig Henrick.

that the French vessels of which it authorized the capture should be brought into the ports of the United States for condemnation. They provided for the restoration of American property which might be recaptured from a French captor, upon a salvage to be determined either upon the mutual agreement of the parties, or by a decree of a court of the United States, and they do not seem to have provided at all for the case of the capture from the French of property belonging to a third nation. The proceedings in the court of vice admiralty in St. Christopher's, by which so large an allowance of salvage and costs was made as to absorb a very great proportion of the amount for which the vessel and cargo were sold, were submitted, in 1800, to three of the most distinguished lawyers of this country, who concluded, from the papers laid before them, that the sentence of the court was in consequence of proceedings exhibited on the part of the owners of the vessel and cargo, and not on the part of the recaptors. In this opinion, (which the committee have subjoined to their report,) it is suggested to be unadvisable for the Danish Consul to apply either to the Government of the United States for indemnity, or to institute any suit in the courts of justice here against the captors.

This claim of indemnity against the Government is, indeed, of an unusual character. It is alleged that a foreign court, in a case to which an American officer was a party, awarded an unjust sentence, and that the costs of this legal proceeding were excessive. The claimants have abstained from the natural remedy for correcting the errors of an inferior court, which the justice of civilized nations provides, by constituting tribunals of appeal. They abstain, too, in conformity with sound legal advice, from prosecuting any legal remedy in our own courts against the officers of whose misconduct they complain, and they choose to prefer their claims to indemnity against the Government which, as they say, did not authorize, and whose laws, indeed, according to their construction, forbade the proceeding.

This claim has several times been recommended to the attention of Congress by the Executive. Committees have made reports in its favor, and a bill to provide for it passed the House of Representatives, January, 1804, by a majority of one hundred and eight to fifteen members.

The committee recommend to the House the following resolution:

Resolved, That it is not expedient to make provision to indemnify the owners of the Danish brigantine Henrick and her cargo for the injury alleged to have resulted from the sentence of a British court of vice-admiralty in the island of St. Christopher.

A.

Copy of a paper filed in the Navy Department, purporting to be a copy of an opinion given by Edward Tilghman, William Lewis, and Peter S. Duponceau.

On the case of the Danish brig Henrick, taken by a French privateer from Guadaloupe, on her voyage from Hamburgh to Cape François, retaken by the United States brig Pickering, after being

more than ninety-six hours in the power of the French, carried into St. Christopher's, and there labelled by Peter Scheelt, master of the said Danish brig, on behalf of the owners, underwriters, and others concerned, in the court of vice-admiralty, who ordered the said brig Henrick and her cargo to be sold, and adjudged one moiety of the gross proceeds to the recaptors, for salvage; as far as we are able to judge from the papers laid before us, which do not contain the whole of the record, it appears to us that the sentence of the judge of admiralty was in consequence of proceedings exhibited on the part of the owners of, and others concerned in the vessel and cargo, and not on the part of the recaptors; which proceedings, it is reasonable to conclude, were for restitution. Under these circumstances, we do not think it advisable for the Danish Consul either to apply to the Government of the United States for indemnity or recompense for the great loss sustained, or to institute any process in the courts of justice here against the captain of the Pickering.

It must, we think, be left to the discretion of the owners, underwriters, and others who may happen to be interested, whether they will or will not prosecute an appeal to the courts in England.

EDWARD TILGHMAN,
WILLIAM LEWIS,
PETER S. DUPONCEAU.

FEBRUARY, 21, 1800.

B.

Copy of a letter from Commodore Tingey, the commander of the United States squadron in the West Indies at the time the Danish brig was recaptured.

NAVY YARD, WASHINGTON,
January 19, 1820.

SIR: In pursuance to your directions, I have endeavored to call to my remembrance as many of the facts as came to my knowledge relative to the recapture of the Danish brigantine Henrick from the French, by the United States brig Pickering, Captain Hiller, in the month of October, 1799, during the period of my having the command of our West India squadron. Captain Hiller, in the brig Pickering, pursuant to orders from the Secretary of the Navy, having joined my command, received my orders relative to what part of the station he should cruise in, so as to have the squadron distributed in such a manner as should be most effectual in protecting our defenceless commerce, and annoying the enemy; when, some time in the month of October above mentioned, Captain Hiller fell in with the above-mentioned brig Henrick, in possession of a prize-master and crew from a French privateer, by which she had been captured some short time before; he, of course, recaptured the Henrick, as it was his duty to do, and carried her to the port of Basseterre, in the island of St. Christopher, which was the general rendezvous of the squadron. At this time I was, as my duty strictly enjoined, cruising in the United States ship Ganges, for the purposes before mentioned. On my next meeting with the Pickering, some few days afterwards, Captain Hiller reported this recapture to me, merely as a part of his transactions,

Government of St. Domingo.

in his general report; but, in an interview with him on board my ship, (the *Ganges*,) I learned that an adjudication for the salvage (agreeably to the act of Congress) had been given at St. Christopher's, at the instance of the captain or agent of the *Henrick*, or of a compromise with said captain or agent—my memory, at this distant period, does not enable me to say which. Thus, the whole transaction had commenced and terminated without my having any view or knowledge thereof until it had passed.

From the celerity with which the business was conducted at St. Christopher's, I cannot entertain a doubt that the adjudication or compromise was effected with the assent, or, as more probable, at the instigation of the captain or agent for the *Henrick*; for Captain Hiller was too correct an officer (scrupulously so in regard to his duty) to have of himself commenced on any decisive measures against the recaptured vessel, until I should have arrived, (as commander-in-chief of the squadron,) to have decided on the most proper mode of procedure, in conformity with my instructions from our Government.

Had the captain or agent of the brig *Henrick* awaited my arrival at St. Christopher's, he could readily, on a proper representation of his case, have been conveyed to either of the Danish islands to leeward, as the time allotted for the cruise of the *Ganges* in those seas had expired; Commodore Morris, with the United States ship *Adams*, had already arrived to relieve me, and had brought my instructions from the Secretary of the Navy to return home; and it being my duty to touch at all the neutral ports in my way, to collect all our homeward-bound merchantmen, and take them under convoy, which duty I did perform; and, consequently, the *Henrick* could have been protected to either of the Danish islands, St. Croix or St. Thomas; from the latter of which I sailed with a large convoy a very few days afterwards; for, on the 10th of November, I was in the river Delaware, conformably with my instructions from the Secretary of the Navy.

I have the honor to be, very respectfully, &c.

THOMAS TINGEY.

The Hon. S. THOMPSON,
Secretary of the Navy.

GOVERNMENT OF ST. DOMINGO.

[Communicated from the Secretary of State to the House of Representatives, March 27, 1820.]

The Secretary of State, to whom, by a resolution of the House of Representatives of the 7th of February last, the petitions of Samuel G. Perkins and others, merchants of Massachusetts, and of William Patterson and others, merchants of Baltimore, were referred, has the honor of submitting to the House the following report:

In the month of January, 1817, in consequence of a memorial to the President of the United States from sundry persons interested in the claims set

forth in these petitions, Septimus Tyler was appointed an agent to proceed to the Island of St. Domingo, for the purpose of claiming the indemnity which appears to be justly due to the petitioners for property so unjustly taken from them. He accordingly proceeded thither, but was denied access to the Government of Christophe upon the alleged ground of informality in the style of his powers. Mr. Tyler did not live to return to the United States.

In the Spring of the year 1818, a second attempt was made to send an agent to make the demand, and authority was given to present himself in a manner which there was reason to expect would have discarded every question of form. The result, however, was a refusal again to receive him. A formal recognition of the kingdom of Hayti not being deemed expedient, no further measures have been found practicable on the part of the Executive in the case; those suggested by the memorialists being within the exclusive authority of the Legislature.

JOHN Q. ADAMS.

DEPARTMENT OF STATE,
Washington, March 20, 1820.

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The petition of Samuel G. Perkins, Ezra Davis, Ebenezer Francis, Jonathan Low, Benj. Smith, and others, whose names are undersigned, merchants dwelling in the Commonwealth of Massachusetts, and citizens of the United States, respectfully represents:

That they and those whom they represent, and others, were, in the year of our Lord eighteen hundred and ten, engaged in a lawful commerce with the ports and places in the Island of St. Domingo under the dominion of Henry Christophe; that, during that year, they shipped a large amount of property to Cape Henry and Gonaives, in the expectation of procuring return cargoes of the produce of the island, but, owing to the scarcity of crops that season, it was impracticable to procure return cargoes immediately; and, by the then existing laws of that Government, they were prohibited from reshipping the cargoes they had landed there, or from bringing away specie; that some of the persons having the charge of the cargoes thus situated sold the same on a credit, to be paid for in produce at the opening of the ensuing season, and directly returned home with their vessels in ballast, while other persons thus situated preferred to wait for their cargoes; that, during this period of delay, Christophe, perceiving a large amount of American property within his grasp, and tempted by the prospect of great plunder, under pretence of having an unsatisfied claim against certain merchants in Baltimore, in the month of October of the same year, forcibly detained all the American vessels then in his ports, some of which had been brought in by his cruisers, and arrested their officers and crews, and held them thus under detention until the month of January following;

Claims against Russia.

and on the third day of the said month of January, passed a decree, (a copy whereof accompanies this petition, and which he immediately caused to be executed,) by which he seized and confiscated to his own use property belonging to your petitioners and other citizens of the United States, of the value, by his estimate, of one hundred and thirty-two thousand dollars and upwards—a decree so manifestly wicked and unjust, that even Christophe, while he endeavors to shelter himself under his supposed necessity, acknowledges it to be as much against sound policy and good faith in him as it is arbitrary and contrary to the laws of all civilized nations. And your petitioners further state that, after unavailing attempts to procure a restitution of their property, or of some part thereof, from Christophe, they applied to the President of the United States for redress, setting forth the injuries they had sustained, and the outrage committed upon the Government of the United States itself. That, during the late war, the application of your petitioners was but partly acted upon, amidst the multiplicity of great and important business which then occupied the attention of that high officer of the Government; but that, on the return of peace, the President of the United States, after investigation of the facts, and having satisfied himself of the justice of the claims of your petitioners, sent out to Cape Henry an agent, in the name of the United States of America, and in one of the vessels of war (the Congress frigate) belonging to the United States, to demand restitution in behalf of your petitioners, and other sufferers by the same outrage; which said agent failed to accomplish the object of his mission. That the President of the United States, not unmindful of the great injuries sustained by your petitioners, and of the outrage committed against the Government of the United States, but nevertheless desirous of preserving peaceable dispositions towards Christophe, sent out to Cape Henry another agent of the United States, once more to demand of Christophe to make compensation to the sufferers under his decree aforesaid. That said agent was unable to procure any satisfaction from the said Christophe, and returned conclusively to establish the fact that all demands upon Christophe to do justice to your injured petitioners will continue to prove unavailing, unless such demands are enforced by the strong arm of the Government. And your petitioners would further respectfully state that they have been credibly informed that the commanders of the ships of war of the United States, since their visits to Cape Henry, are clearly of opinion that a blockade of that port by a single frigate even, or a demand of restitution accompanied by a power to enforce such demand, would be attended with the success so much desired by your petitioners, and so much an object heretofore with the head of our Government. In considering this case, your petitioners would respectfully suggest that no questions of doubtful rights present themselves for discussion or compromise, nor do they perceive such points of policy or expediency to arise as will suffer the Government to acquiesce and submit to so great injuries committed upon

its faithful citizens. Relying on the energy of our Government and the wisdom of its councils, it cannot be necessary to urge the importance of protecting the rights and interests of every class of men in the community, and especially in times like the present, against every outrage committed by any Power, civilized, piratical, or barbarous; and your petitioners, submitting the remedy for their wrongs, and the mode in which it is to be pursued, to your wisdom, humbly request your aid, and, as in duty bound, will ever pray.

SAML G. PERKINS, *and others.*

By their attorney, HENRY RICE.

CLAIMS AGAINST RUSSIA.

[Communicated to the Senate, April 18, 1820.]

DEPARTMENT OF STATE, April 17, 1820.

The Secretary of State, to whom, by a resolution of the Senate of the 13th instant, was referred the petition of Eliphalet Loud, and others, to consider and report thereon, has the honor of reporting:

That the facts relative to the representations made on the part of this Government to that of Russia, by the petitioners, are correctly stated by them; and that, since the 7th day of July, 1818, the latest date mentioned by them, another memorial has been addressed by the Minister of the United States at St. Petersburg to the Minister of Foreign Affairs, a copy of which is herewith submitted. It does not appear, by any of the despatches from Mr. Campbell since received, that any answer to this memorial has been returned.

JOHN Q. ADAMS.

Mr. Campbell, Envoy Extraordinary and Minister Plenipotentiary from the United States to Russia, to Count Nesselrode, Minister of Foreign Affairs at St. Petersburg.

ST. PETERSBURG, June 6, 1819.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States of America, has the honor to inform his excellency Count de Nesselrode, Secretary of State, that he has it in special charge from his Government to invite the attention of the Government of His Imperial Majesty to two cases of individual claims thereon by citizens of the United States, of long standing.

Of these, one is that of the brigantine Hector, belonging to Israel Thorndike, of Boston, commanded by Captain Luke Thorndike, which was captured by His Imperial Majesty's frigate Venus, carried to the island of Tenedos, and there condemned with her cargo as lawful prize, in June, 1807, by sentence of a committee of prizes assembled on board His Imperial Majesty's ship of war the Iverday; the other, that of the ship Commerce, belonging to the Weymouth Importing Company, in the State of Massachusetts, commanded by Captain Joseph Penel, which was taken by a privateer under the flag of this Empire, carried into Corfu, and there condemned, with her cargo, as

Relations with Sweden—Indemnity.

lawful prize, in —, 1807, by a decree of the committee of prizes of that island.

These vessels, with their cargoes, belonging to citizens of the United States of high respectability, who were not only conscious of the purity of their own motives in the instructions given respecting their voyages, but also convinced, from the most satisfactory evidence, that in conducting those voyages no violation whatever of the laws and usages of nations had been committed, they applied to their Government, soliciting its aid in making their cases known to that of His Imperial Majesty; feeling entire confidence, that to procure the reversal of those condemnatory decrees, and obtain that restitution to which they conceive themselves entitled, it was only necessary to have the circumstances under which those captures and condemnations took place, so laid before the view of His Imperial Majesty that the merits and justice of their claims might fairly appear. For this purpose, full statements of those cases were laid before the Imperial Government in October, 1809, by Mr. Levett Harris, then Consul General of the United States at St. Petersburg, with ample testimony to prove, it is conceived, the injustice and irregularity of the captures, as well as of the condemnations consequent thereon; and, at the same time, a due claim for indemnity was made in behalf of the respective claimants for the heavy losses they had sustained.

On reviewing these statements, and the evidence accompanying the same, they appear so ample, and to support so conclusively the justice of those claims, that the undersigned forbears entering into new details on the subject, and satisfies himself, for the present, by referring his excellency the Secretary of State to those documents already in possession of the Imperial Government.

He would not, however, fulfil his duty conformably to the instructions of his Government, if he did not bring to the recollection of his excellency on this occasion the length of time that has elapsed since the appeals in those cases were brought before the Imperial Government, being nearly ten years, during which the repeated applications in favor of the claims, in the name of their Government, have been allowed to remain unanswered, and without procuring for them either that indemnity to which they conceive themselves so justly entitled, or a knowledge of the grounds upon which it has hitherto been considered proper to withhold it; and he is satisfied his excellency will duly appreciate the motives by which he is actuated in urging the revision and final determination of those cases with that zeal and earnestness which their obvious justice, as well as the hardships necessarily resulting from privations so long continued, appear to him imperiously to demand.

With the expression of the high and perfect confidence reposed in the justice, equity, and impartiality of the decisions the tribunals of his Imperial Majesty in the last resort shall pronounce, the undersigned has the honor to renew to his excellency the Secretary of State the assurance of his high and very distinguished consideration.

G. W. CAMPBELL.

SWEDEN—INDEMNITY.

[Communicated to the Senate, April 21, 1820.]

To the Senate of the United States :

I lay before the Senate, in pursuance of their resolution of the 21st of last month, the accompanying report and documents from the Department of State.

JAMES MONROE.

WASHINGTON, April 28, 1820.

DEPARTMENT OF STATE, *April 17, 1820.*

The Secretary of State, to whom a resolution of the Senate of the 25th of March has been referred, requesting the President to lay before that House copies of the correspondence between the Ministers or other agents of the United States, and the Ministers or Government of Sweden, relative to the seizures, sequestration, or confiscation of the ships or other property of citizens of the United States, under the authority of Sweden, has the honor respectfully to submit to the President the copies of the papers desired by that resolution.

JOHN Q. ADAMS.

Mr. Russell to Count d'Engestrom, Minister of Foreign Affairs at Stockholm.

STOCKHOLM, *Sept. 3, 1816.*

The undersigned, Minister Plenipotentiary of the United States of America, has the honor to acquaint his excellency the Count d'Engestrom, Minister of State and of Foreign Affairs, that the instructions which he has received make it his indispensable duty to call the serious attention of his excellency to the claims of American citizens for indemnity for their property sequestered, confiscated, and sold at Stralsund, a few years since, by the order, and for the account of the Swedish Government.

It is believed that to present, without comment, a simple statement of the facts belonging to this transaction, such as they appear to have been from the documents left by Mr. Speyer with the American legation, will be quite sufficient to manifest the indubitable justice of these claims, and to prevail on His Swedish Majesty's Government to provide for their immediate liquidation.

The Swedish Government represented itself to have been compelled by the French Government to sequester, in the month of June, 1810, the American property at Stralsund; and afterwards repeatedly expressed its solicitude to obtain the termination of that sequestration, for the avowed purpose of restoring the property which it affected to the rightful owners.

The sequestration was, in fact, raised with the consent of the French Government, about the beginning of August, 1811, and the property to which it attached placed at the sole disposition of His Swedish Majesty.

Immediately after it thus came within His Majesty's exclusive control, it was, notwithstanding all the assurances previously given, and the rights

Relations with Sweden—Indemnity.

of the American owners, confiscated and sold by the order, and for the sole account of the Swedish Government.

Since that time until the present day no indemnity whatever, although frequently promised, has ever been made by the Swedish Government to the injured citizens of the United States.

Such, according to the archives of the American legation, appear to be the simple facts belonging to this transaction, and with regard to the nature and consequences of which it is believed there can exist no diversity of opinion. These facts alone would have been amply sufficient to have secured the success of the American claims, had not the justice of these claims been already repeatedly acknowledged by the Swedish Government itself.

During the original sequestration by the Swedish Government, at the instance, as is stated, of that of France, the Baron de Wetterstedt, who was then charged with the affairs of Pomerania, assured Mr. Speyer that the participation of Sweden in that proceeding was for the purpose of protection, and not of confiscation; that more than thirty despatches had been transmitted to Paris in order to obtain the release of the sequestered property, or the permission to sell that property, either on Swedish account, or the joint account of Sweden and France; assuring Mr. Speyer, at the same time, that, in case such release or permission were obtained, a just proportion of the property, or its proceeds, should be restored to the rightful American owners.

Even after the confiscation and sale of the property, the Swedish Government, on its part, never urged any right in justification of the proceeding, nor even the pretext of foreign coercion for its palliation. The only question which appears to have been agitated at that time related not to the justice, but to the practicability of the indemnification. There was no controversy as to the principle; and even a proposition to give it effect, by the delivery of iron cannon, was suggested by the Baron de Wetterstedt.

The doctrine that the property of the citizens of a friendly State, lawfully imported into an ultramarine province of Sweden, was not entitled to the same protection from the Swedish Government as when imported into Sweden itself, (which, it seems, his excellency the Count d'Engestrom once permitted himself to intimate,) it is not necessary here to examine. The question now presented is not whether the Swedish Government was bound, in good faith, to protect the American property at Stralsund against the violence and injuries of foreign nations, but whether it was not bound to refrain, itself, from voluntarily confiscating that property, and converting it to its own use, without the form of a trial, or even the pretext of foreign compulsion.

The note which his excellency the Count d'Engestrom addressed to Mr. Speyer, on the 22d of May, 1813, and which appears to be the last communication made on the subject, states that the sequestration took place upon the demand of

the French Government, and in conformity to the Treaty of Paris; but his excellency does not pretend that the final confiscation of this property, and the appropriation of its proceeds, were at the dictation or for the benefit of that Government. Such a pretext, indeed, would have been inconsistent with the previous declaration of his excellency himself; for, on the 12th of August, 1811, he informed Mr. Speyer, as appears from Mr. Speyer's note to his excellency of the 14th of that month, that "the sequestered property at Stralsund was then at the sole disposal of His Swedish Majesty." It is not of the original act of sequestration, whatever might have been its origin, or however unjust and injurious its operation, that the undersigned now specially complains; but it is for the final and voluntary confiscation and sale of the property by the Government of Sweden, for its own account, that he is instructed to demand an indemnity. In the note above referred to, his excellency does not even insinuate a doubt of the justice of such a demand; but, on the contrary, he implicitly admits it when he states that his Swedish Majesty had hoped to have been able to indemnify the American citizens from the revenues of his German provinces. In thus speaking of indemnity, the relative injury is certainly acknowledged; why the funds for this indemnity should have been exclusively sought for in the revenues of the German provinces, it is difficult to determine. The American citizens, who trusted their property in a port of Swedish Pomerania, had a full reliance not on the local authorities and resources only, but on the universal good faith and entire power of the Swedish Government for justice and protection. The impossibility, therefore, which his excellency suggests, on account of the then recent invasion of Pomerania by the French, to accord any indemnity whatever, appears to have been founded on a supposition erroneous and inadmissible. It still proves, however, that, even at that time, it was the ability and not the obligation to accord the indemnity which was wanting in the view of the Swedish Government.

What inference his excellency wished should be drawn from the fact which he stated, that even Swedish subjects had suffered, without indemnity, a participation in the evils of the act of sequestration, has not been discovered. It is not believed that his excellency intended to say that the sovereign of a country has the right to treat alien friends, who are transitorily within his jurisdiction, for the purpose of trade, in the same manner he might think proper to treat his own subjects—to levy on them the same taxes, and to subject them to the same requisitions. Were such a doctrine to prevail, there would be an end to all international commerce. Whatever the sovereign of a State may deem fit to do, within his own jurisdiction, in relation to those who are within his allegiance, cannot, indeed, be found to be wrong by any other Government; but there certainly cannot be deduced from this principle a right to extend oppressive measures to the citizens of other independent States, nor can these citizens be supposed to find any alleviation of their sufferings in

Relations with Sweden—Indemnity.

the mere knowledge of the fact that they do not suffer alone.

If, contrary to all reason and usage, it could be admitted that the revenues and resources of Pomerania were alone to be regarded as responsible to the American claimants for the property there confiscated by Sweden, and the invasion by the French destroyed, at that time, those means of making indemnity, yet that invasion was of brief duration, and that province has since become an ample source of wealth and empire to the Swedish Government, in having not only furnished an equivalent at the Treaty of Kiel for the acquisition of Norway, but, subsequently, a sufficient consideration for three millions and a half of dollars received from Prussia. It is, indeed, to be regretted that, while the Government of Sweden applied much of these funds to objects in no way connected with Pomerania, it should have totally neglected all satisfaction of the American claims, which it had before affected to consider as the special debt of that province.

The circumstance that the duties had been paid on the merchandise previous to its confiscation, and never returned, not only proves the lawfulness of the importation, but singularly aggravates the injury inflicted on the American proprietors.

From this view of the subject, it is believed that His Swedish Majesty's Government will no longer hesitate to afford that indemnity which the admitted justice of the case demands, and which the Government of the United States confidently expects from the known integrity and good faith of His Majesty. The inability of the Swedish Government, at any moment, to provide this indemnity, cannot be admitted; and, after its recent success and aggrandizement, it would be offensive to suggest the possibility of such a pretext being again urged on its part.

The value of the property, at the current price, when it was first sequestered, and which would furnish the just rule to measure the indemnity, is not precisely known to the undersigned. It was, however, considerably greater than that at which this property was afterwards either estimated or sold.

This property was estimated, when it came to the free disposal of the Swedish Government, at one hundred and ninety-two thousand rix dollars, Pomeranian currency; and was actually sold to a single merchant for one hundred and fifty-one thousand dollars of the same money.

According to an estimate communicated by Mr. Speyer to the Baron de Wetterstedt on the 5th of October, 1811, the first cost of the property in the United States was one hundred and ten thousand Spanish dollars.

In whatever way, therefore, this property be valued, the amount is too small to embarrass the Swedish Government for an instant in providing the requisite funds for the indemnification of the American claimants. Small, however, as this amount may be, and little as it is calculated to justify a refusal of indemnity under the pretext of inability, it has unfortunately been found sufficient seriously to injure the American owners, and to reduce some of them to insolvency and ruin.

The undersigned believes it unnecessary to say more; and he confidently trusts that what he has said will not have been in vain. He trusts that, while the relations of the two countries are placed on so liberal a basis with respect to the future, the prospect they open may not be overshadowed by any disagreeable recollection of the past, which might perplex either party with doubts of the justice and good faith of the other.

The undersigned prays his excellency the Count d'Engestrom to accept the assurances of his highest consideration.

JONATHAN RUSSELL.

The Count d'Engestrom to Mr. Russell.

STOCKHOLM, Sept. 6, 1816.

The undersigned, Minister of State and of Foreign Affairs, has the honor to acknowledge the receipt of the note addressed to him by Mr. Russell, Minister Plenipotentiary of the United States, claiming an indemnity for certain property sequestered, confiscated, and sold some years back at Stralsund, by order and for the account of the Swedish Government.

Before giving a positive answer to that note, the undersigned considers it indispensably necessary to apply to the former Department of the Affairs of Pomerania for the required information on the subject in question. He will not fail, on receiving it, to lay the affair before the King, and to communicate immediately His Majesty's answer to the Government of the United States, either through Mr. De Kantzow, or by addressing it directly to Mr. Russell.

The undersigned seizes this occasion to renew to Mr. Russell the assurances of his most distinguished consideration.

COUNT D'ENGESTROM.

Mr. Russell to the Secretary of State.

STOCKHOLM, Oct. 16, 1818.

SIR: Before making any further communication in relation to the Stralsund claims, I believed it to be proper to prepare the Swedish Minister for its reception. I availed myself accordingly for this purpose of the interview which I obtained on the 3d instant.

Count d'Engestrom, as usual, approached the subject with much repugnance, and was evidently embarrassed in finding an apology for his extraordinary silence in relation to it. He did remind me, indeed, that the business was not originally of his department, but appeared to be aware that this circumstance could no longer account for his perseverance in avoiding all discussion. He therefore abandoned this ground, confessed himself in fault, and assured me of his prompt attention to any communication which I might now think expedient to make on the subject. With regard to the merits of the claims, he observed that the Swedish Government had much to say in its defence, but he acknowledged that he found great difficulty in getting over a sort of promise that had been given to accord an indemnity.

Relations with Sweden—Indemnity.

In reflecting on this conversation, I conceived it might be useful still to make one effort more, before I took leave of the subject, by communicating the declaration which you had prescribed to me in your last instructions. The expressions of the King, at the time I presented my credentials, were, as I have already informed you, more precise against the justice of the claims than any I had before heard from him; and I had reason to believe that Count d'Engestrom had been instructed to take, in the conversation which I have mentioned above, that ground. To prevent, if possible, such a course, I believed it might be useful to anticipate the contemplated movement, and to interpret the silence in respect to our claims into a recognition of their justice, and to profit of the confession of Count d'Engestrom, "that there had been a sort of promise of indemnity." In this view, a strong and rather spirited note appeared to me alone calculated to have the desired effect. I therefore, on the 5th instant, presented to the Count d'Engestrom a note, of which the enclosed (A) is a copy.

I did not hear any thing in reply from the Count until the 13th instant, when I received from him a note inviting me to repair to the Foreign Office on the day following.

When I waited on him, on the 14th, agreeably to his appointment, he began the conversation by observing that he had not yet been able to obtain a definitive decision on my propositions relative to commerce, although he was in daily expectation of being authorized to communicate to me such a decision. He then stated that he had been commanded to invite me to dine with the King the next day, as His Majesty desired to converse with me concerning the Stralsund claims; but he added, with evident embarrassment and much hesitation, "I dare not present your note to His Majesty, and I hope you do not wish to quarrel with us." I could not but be surprised at his alarm, and I assured him that if my note had been well translated he could have found nothing in it of a hostile character; on the contrary, it had been dictated by the most unqualified confidence in the justice and friendship of his sovereign. He rejoined, that it had caused him great affliction, and he hoped that I would not insist on his communicating that note to the King, as it would be the most disagreeable act that he had ever performed during the long period that he had been in office. He entreated me to allow him to return it, and to consent to address to him another, which should simply remind him of my previous communications, which, he remarked, had been quite strong enough, and he engaged that such a note should have a full and early answer. I replied that, as the note already delivered appeared entirely fitted to the occasion, I could not consent to withdraw it, nor abandon the ground that had been taken. If he found, contrary to what had been intended or expected, any thing harsh in that note, still it might be well for him to retain it, as a memorial of the feelings that had been excited by the conduct of the Swedish Government. Willing, however, to place him at his ease, I consented to write another note, in the manner he had requested. He ac-

ceded to these proposals, and agreed to keep the note which had occasioned so much inquietude. On my part I addressed to him, on the same day, another note, of which the enclosed (B) is a copy.

It has appeared necessary to trouble you with these details, in order to explain to you the successive delivery of two notes, so different in character, in so short an interval of time.

My views in writing the first, and the circumstances under which the second was delivered, have been already stated; but I cannot forbear to acquaint you with the real reasons for my proceedings in relation to the latter.

It was not from any deference to the sensibilities of Count d'Engestrom, or to those of the King, (however reluctant I might be unnecessarily to wound them,) that induced me to acquiesce in the wishes which the Minister had expressed to be saved from the painful necessity of acting on my note of the 5th instant. Notwithstanding his declarations, I was fully persuaded that the contents of that note had actually been communicated to the King. This persuasion was induced, not only by the time which had elapsed (a period of seven days) between the receipt of that note by Count d'Engestrom, and his discovery that he dared not deliver it to the King, but by the invitation for me to dine with the King the next day, in order to converse concerning these claims; for this invitation must have resulted from a knowledge of that note. From this fact I was reluctantly obliged to infer that my note had failed in its main object, that of obtaining indemnity without further discussion. I was now reduced to the alternative of either delivering a new note, and listening to a tardy attempt at justification, or of running the risk, by pressing that already delivered, of furnishing a pretext for an abrupt termination of all discussion, and perhaps for a categorical rejection of the claims. The interest of the claimants appeared to recommend the former course, and I accordingly adopted it. And this I did the more willingly as the stimulus already given had produced all the excitement of a favorable tendency that could be expected from it, and it seemed prudent to administer a palliative, in order to prevent consequences more violent than had originally been contemplated.

Agreeably to the invitation above mentioned, I dined yesterday with the King at his country palace of Rosendala. Immediately after dinner, he desired me and Count d'Engestrom to accompany him into his private apartments. He there at once introduced the subject of the claims, and expressed a regret that all the circumstances connected with that transaction had not hitherto been communicated to the American Government. He observed that these circumstances, he believed, would palliate, if not justify, the conduct of Sweden in that transaction, and that they should be immediately addressed to me. He then gave directions to Count d'Engestrom, in conformity with this declaration, and, in doing so, he alluded to an order of the French Government, designating the objects to which the proceeds of the American property were to be applied. He added

Relations with Sweden—Indemnity.

that he was still disposed to do all he could for the relief of the American sufferers; but that, as he had nothing excepting military stores at his disposal for that object, he could furnish this relief in articles of that description only. I simply replied that we could not have expected that new facts would have been brought forward at this late day, after the earnest manner in which we had so long urged these claims; and that I could hardly believe—I might say hope—that these facts were of a nature to justify the Swedish Government, and exempt it from all responsibility. I was, however, entirely disposed to give to these facts, whatever they might be, a candid consideration.

I am now waiting, with much solicitude, for the communication which has been promised, and, until it be received, I must refrain from giving an opinion in relation to the final issue of this business.

After what I have written above, I ought to add, that the manner of the King, always gracious, was peculiarly so on this occasion; and, so far from his betraying any signs of displeasure at any thing I had done, he was unusually prodigal of his professions of friendship for the American Government and people, and of his attentions to their Minister. There were several other topics introduced into this conversation, which, as they have no relation to the subject of this letter, I shall reserve for another communication.

I have the honor to be, &c.,

JONATHAN RUSSELL.

A.

Mr. Russell to Count d'Engestrom.

STOCKHOLM, Oct. 5, 1818.

The undersigned, Minister Plenipotentiary of the United States of America, has the honor to acquaint his excellency the Count d'Engestrom, Minister of State and of Foreign Affairs, that it is not without surprise and pain that the American Government has learned that all the representations which have hitherto been made to the Government of Sweden concerning its voluntary seizure and sale of the bona fide property of citizens of the United States, at Stralsund, in 1811, have not only remained without effect in obtaining a just indemnity, but have not even been noticed with the common courtesy of an answer.

Reluctantly, indeed, would the Government of the United States be persuaded that this ungracious silence was intended to add indignity to injustice. The character of both Governments forbids such a construction; for it is believed that they are both equally incapable of offering or suffering an injury of this description.

It is now more than two years since the undersigned had the honor to present to his excellency, on the 3d of September, 1816, the facts on which the American claims are founded. If the interference of a private agent of the American claimants furnished good cause for suspending all communication between the two Governments on the subject, yet, when that interference had terminated

without effect, (and it did so terminate more than a year since, as appears by a letter of that agent to the Baron de Wetterstedt, of the 3d of October, 1817,) the fitness of such communication between the two Governments was necessarily restored. It was in this conviction that the undersigned addressed a note to his excellency on the 16th of February last, referring to that above mentioned, of the 3d of September, 1816, and again urging an early attention to the American claims. It was not until the 27th of April that the undersigned was favored with even an acknowledgment of the bare receipt of this note of the preceding February, and since that time he has not heard further from his excellency in respect to these claims. The only inference consistent with the friendly and honorable feelings of both Governments, which it is now permitted to draw from this persevering though tacit refusal on the part of the Swedish Government to enter into all discussion of the merits of the question, is, that the evident and frequently acknowledged justice of the claims has not only left little room for such a discussion, but has, added to the repeated declarations and overtures of the Swedish Government, prevented, with that Government, to recognise the obligation of *more than an implied* promise to accord satisfactory indemnity. It is, therefore, from a confidence in the good faith as well as in the justice of His Swedish Majesty's Government that such an inference is drawn, and that the undersigned feels not only authorized, but rejoiced to be able, under the instructions which he has just received, to abstain from entering further at this time into a disagreeable discussion of right, and to confine himself to desiring his excellency to state, with precision, the utmost amount which His Majesty may, in his generosity and commiseration of the individuals immediately concerned, as well as in his regard for equity, and his consideration and friendship for the Government of the United States, be willing to accord for the relief and indemnity of the sufferers, and the mode in which it may be proposed to furnish that amount.

The undersigned takes leave to remind his excellency that to the value of the merchandise should be added the amount of the duties which were paid by the proprietors, and the accumulated interest of more than seven years, in order to constitute an adequate indemnity.

The pure and lofty principles which the American Government never ceases to cherish and to practise in its intercourse with all nations, and the confident expectation which it entertains that the monarch who has been elevated to the throne by his virtues will be distinguished for the moral dignity of his reign, forbid all distrust or apprehension that the request which the undersigned has now stated to his excellency will not be answered by a prompt and satisfactory compliance.

The undersigned avails himself of this occasion to renew to his excellency the assurance of his highest consideration.

JONATHAN RUSSELL.

COUNT D'ENGESTROM.

Relations with Sweden—Indemnity.

B.

Mr. Russell to Count d'Engestrom.

STOCKHOLM, October 14, 1818.

The undersigned, Minister Plenipotentiary of the United States of America, has the honor to acquaint his excellency the Count d'Engestrom, Minister of State and of Foreign Affairs, that the instructions which he has received make it his duty to call the attention of the Swedish Government once more to the claims of American citizens for indemnity for their property sequestered at Stralsund, in the year 1810, and there sold the year following, by the order and for the sole account of His Swedish Majesty's Government.

From a confidence in the justice and liberality of his Majesty, the undersigned forbears at this time from acting on his instructions in their full spirit and extent, and confines himself to requesting His Excellency to cause this matter to be taken into immediate consideration, and to obtain thereon an early and equitable decision.

The undersigned trusts that the representations which he has already made on this subject, particularly in his note of the 3d of September, 1816, hitherto unanswered, render it now unnecessary for him to enter into a further discussion.

The undersigned seizes this occasion to renew to his excellency the assurance of his highest consideration.

JONA. RUSSELL.

Mr. Russell to Mr. Adams.

FLORENCE, February 22, 1819.

SIR: I have the the honor to transmit to you, enclosed, a note received at Berlin, from the Count d'Engestrom, in reply to that which I had addressed to him, on the 14th of October last, in relation to the Stralsund claims. This reply was not only unsatisfactory, but it was entirely at variance with the spirit of the verbal assurances which had been made to me. To have left it without a comment would, I believe, have given it a weight to which it was not entitled, and might have been construed into an admission, on my part, that the facts and arguments which it contained were incontrovertible and unanswerable. To prevent such a construction, and to fulfil your last instructions, which I had hitherto deferred communicating, in hopes that an equitable decision of the Swedish Government might have rendered my so doing unnecessary, I addressed to Count d'Engestrom, from Vienna, a note, of which you will also find a copy enclosed. I hope that the reasons here stated, and the peculiarity of my situation, may rescue the course which I have pursued from censure.

To avoid repetition, I referred the Swedish Minister generally to my note of the 6th of September, 1816. In that note he will find that he himself informed Mr. Speyer that the American merchandise was, on the 12th of August, 1811, at the sole disposition of the Swedish Government.

This is the first opportunity that I have had of communicating with the United States since I left Vienna, which, I trust, will satisfactorily account

for my not having sooner transmitted to you the enclosed papers. I have the honor to be, &c.

JONA. RUSSELL.

Count d'Engestrom to Mr. Russell.

STOCKHOLM, October 27, 1818.

The undersigned, Minister of State and of Foreign Affairs, has laid before the King his august sovereign, the note which Mr. Russell, Minister Plenipotentiary of the United States of America, did him the honor to address to him, for the purpose of renewing his claim in behalf of certain citizens of the United States, of indemnity for losses sustained by them in Swedish Pomerania, by the confiscation of certain vessels and cargoes, their property.

The undersigned thinks it unnecessary to recapitulate the details of an affair, all the material circumstances of which are already known to Mr. Russell. It occurred at an unfortunate period, when a despotic sway, embracing all parts of the globe, exercised its disastrous influence alike on friends and foes; and when France, the ally of America, was equally regardless of her interest as those of other Powers.

It is an undisputed fact that the American vessels in question entered the ports of Pomerania whilst that province was still under the dominion of Sweden; but scarcely was the French Government informed of it, when it gave orders to its agent in Pomerania to demand the seizure and confiscation of these vessels to the benefit of France; alleging, in justification of this violent pretension, the system called *continental*, under which France then cloaked her projects of progressive encroachment, menacing all Europe, but which had, notwithstanding, been admitted by it, and was acceded to by all the European Powers at peace with the French Empire. The imposing force at that time kept up by France in those countries left no alternative to the Swedish Government, which was reluctantly compelled to acquiesce in her demands. The steps then taken by Sweden with the French Government, to obtain a transfer to her of the property thus confiscated, were prompted by a desire to restore it to the lawful owners; but they proved ineffectual, France having agreed to the transfer on certain conditions only, expressly stipulating that the proceeds of these cargoes should be immediately employed in placing Pomerania in a state of defence against the English naval force, which then threatened all the shores of the Baltic.

To this object, wholly foreign to the particular interests of Sweden, they were applied; and the Swedish Government was thereby disappointed in its hopes of procuring the restitution to the American citizens, the original owners of the ships and cargoes now under consideration. But, as an incontestable proof of its sincere desire to alleviate their losses as far as depended on it, an inquiry was instituted in concert with Mr. Eckie, agent for the claimants; and the proposals then made to him for the attainment of the object just alluded to, with his rejection of them, are well known to Mr. Russell.

Relations with Sweden—Indemnity.

It was cause of regret to the Swedish Government that the course suggested by it was not adopted, as it seemed to be the only one adapted to meet the views of Mr. Eckie. His Majesty feels assured, however, of the disposition of the United States to do justice to the desire manifested by His Majesty on this, as on every other occasion, of doing every thing possible to evince his high esteem for a Power with which it is his constant wish to maintain the most amicable relations.

In pursuance of these sentiments, the undersigned has received the King's commands to renew to Mr. Russell the assurance, which His Majesty has already given to him in person, of the satisfaction with which he would discover any practicable mode of alleviating the losses sustained by the American citizens alluded to, through the confiscation of their property in Pomerania in 1811. His Majesty has a particular satisfaction in recollecting that, about the same period, the Swedish Government restored to the citizens of the United States thirty-three vessels, with valuable cargoes, then under detention in Sweden, in consequence of a formal requisition of the mission of France at Stockholm. His Majesty availed himself, on that occasion, of the force under the control of his Government in Sweden; but he saw, with deep concern, the impossibility of taking corresponding measures in his Pomeranian territories, they being, besides, as well in virtue of their particular compacts with France, as by the presence of the French armies, completely under the influence of the continental system, to which Prussia, Denmark, and the other Governments on the shores of the Baltic, had declared their adherence.

The undersigned, in conformity to these orders of the King, his august sovereign, avails himself, with pleasure, of this occasion to renew to Mr. Russell the assurance of his high consideration.

COUNT D'ENGESTROM.

Mr. Russell to the Count d'Engestrom.

VIENNA, December 12, 1818.

The undersigned, Minister Plenipotentiary of the United States of America, has the honor to acknowledge the receipt of the note which his excellency the Count d'Engestrom, Minister of State and of Foreign Affairs, addressed to him at Berlin, under date of the 27th October last. His excellency will not be surprised to learn that the undersigned has been able to discover nothing in that note calculated to discharge the Swedish Government from its obligation of providing an adequate indemnity to the citizens of the United States for the confiscation of their merchandise, in 1811, at Stralsund, then under the dominion of Sweden.

The undersigned had confidently expected, from the conversations with which he had so recently been honored by His Majesty the King, and by his excellency the Count d'Engestrom, that, whatever objections might have been entertained to the justice of the American claims, they would, in this tardy communication, have been distinctly and definitely stated, and supported by documents of an authentic and unimpeachable character. His

Majesty, at the very last interview which he accorded to the undersigned, and at which his excellency was present, expressly called the attention of his excellency to a particular note of the French Minister, which he intimated to be in point, and which he offered to furnish to his excellency, if not already in his department, for the avowed purpose of being communicated to the undersigned. But even that note has not been so communicated, nor does the despatch of his excellency contain the most remote allusion to it. From a silence so extraordinary, the undersigned is compelled to infer that the note of the French Minister was found, on examination, not to be of a nature to justify or to palliate the proceedings of the Swedish Government. It was not without extreme disappointment and regret, after having thus been encouraged to expect an explanation, at least precise, if not satisfactory, that he finds himself referred by his excellency, in a most vague and general manner, for a vindication of the conduct of that Government, exclusively to the coercive measures of France under the system commonly denominated continental, without the faintest intimation of any specific provision of that system which could apply to this case, or the slightest proof of its actual application. The undersigned feels not the smallest hesitation in declaring his entire conviction that there was no such provision and no such application. It is in vain that he has sought in the imperial decree promulgated at Berlin, Milan, Rambouillet, or elsewhere, on which that system was founded, for the discovery of such a provision; and it is not permitted him to presume that any Government, however subservient at the time to the views of the French monarch, could have gratuitously consented to extend the evils of those arbitrary mandates by a constructive application; and still less is it to be presumed that a pretext, from interested motives, could have been sought in that unrighteous system to mask the violence, or to sanction the injustice, which it did not most explicitly and imperiously impose. The demand which his excellency states to have been made by the agent of the French Government in Pomerania for the seizure and confiscation, under the continental system, of the American merchandise for the account of France, must have been too degrading and unjust to have obtained an unqualified compliance on the part of Sweden; and that it did not obtain such a compliance is incontrovertible, from the notorious fact that this merchandise, although seized by the Swedish authorities on the 10th of June, 1810, was not confiscated, but held in a state of sequestration only, until the French Minister at Stockholm, by his note of the 12th of July, 1811, announced the consent of his sovereign to the termination of that sequestration, on the sole condition that the colonial produce which it affected should not be introduced into France, or into the States of the Confederation of the Rhine. The extraordinary demand of the French agent in Pomerania, founded, as his excellency states, on the continental system, produced, therefore, a temporary sequester only, and furnished no pretext for the subsequent

Relations with Sweden—Indemnity.

and final confiscation of the merchandise to which it applied, and no extenuation of its injustice. The undersigned is not disposed now to deny that a demand of this kind was made, as the note of the French Minister just mentioned implies the previous participation of France in the act of sequestration; yet, that demand having never been communicated to the American Government in the shape in which it was preferred, as courtesy, if not right, appeared to require, it may be permitted to entertain some doubt in respect to its precise import and extent, particularly as it was allowed to have but a partial and transitory effect. It necessarily follows, from the facts which the undersigned has now had the honor to present, that the continental system, or any demand of the French agent in Pomerania, whatever influence they might unduly have had in causing the original seizure, could have had none in producing the final sale of the merchandise, and the appropriation of its proceeds by the Government of Sweden.

The undersigned is far from being disposed to vindicate the continental system, or the acquiescence of any nation in its iniquitous requisitions; but his excellency appears to have formed an erroneous estimate of the extent of both. None of the nations whose dominions border on the Baltic ever committed, in relation to the United States, nor, it is believed, in relation to other friendly nations, any act similar to that for which the undersigned has been instructed to ask indemnity from Sweden. Of the conduct of Russia and Prussia during the continental system, the United States have no cause to complain; and if Denmark imposed a sequestration, towards the close of the year 1809, on American vessels and their cargoes in her ports, that sequestration continued for a few months only, and the American property subjected to it was restored, without exception, to the lawful owners. If the United States have now claims on Denmark, it is for the lawless depredations of her privateers, and the unjust decision of her tribunals, and not for the confiscation, without the form of a trial, of property acknowledged to be American, and fairly and regularly entered at her custom-houses. Of all the nations bordering on the Baltic, it was left for Sweden alone to receive duties, and summarily and peremptorily to confiscate the merchandise, without suggesting a doubt of its origin or ownership. Such are the facts; and they save the undersigned from the necessity of protesting against the doctrine that the violence or injustice of one Government can be drawn into precedent, and cited as authority to sanction the wrongs of another.

Waiving at this time all further consideration of the original act of sequestration at Stralsund in 1810, whatever might have been its source, or the injuries which it inflicted on the unoffending and confiding citizens of the United States, the undersigned cannot refrain from repeating distinctly to his excellency the facts on which the American Government founds its claims for indemnity for the ultimate sale and appropriation of the sequestered property by the Government of Sweden.

The note above mentioned of the Baron Alquier, the French Minister at Stockholm, of the 12th of July, 1811, left that property at the free disposal of the Swedish Government, on the sole condition already stated; and that Government, instead of availing itself of the liberty thus accorded to terminate the sequester, and to restore the property to the American owners, profited by the accidental possession acquired by the sequester to sell that property on its own account.

The Swedish Government, forgetting its previous assurances, and disregarding the incontrovertible rights of the citizens of the United States, and the friendly relations which had not ceased to subsist between the two countries, advertised that property for sale at Stralsund on the 2d day of August, 1811, actually sold it on the 14th day of the same month, and caused the proceeds thereof to be paid into the Swedish royal treasury in Pomerania. These facts, it is believed, will not be contested, for they are supported by documents of acknowledged authenticity. Between the 12th of July, 1811, the day on which this property was placed at the disposal of the Swedish Government, and the 2d day of the following month, on which it was advertised for sale, there elapsed twenty-one days only—a period barely sufficient for deciding on the royal order at Stockholm, and for its transmission to Stralsund, and for the preparation and publication of the advertisement. The undersigned is ignorant of the date of that order; but, from the consideration just suggested, it could not well have been issued at a later day than the 20th of the same month of July, and consequently not more than eight days after the note of the Baron Alquier had announced the complete liberation, on the part of France, of the sequestered property. Whatever might have been the extravagance and versatility of the predominant despotism of the time, it will not be presumed that the Government of the United States will volunteer a belief of a total change of policy in so brief a period; and that, instead of consenting to raise the sequester, as so formally and recently announced, it had been capriciously resolved to proceed to immediate confiscation. His excellency must be aware that the precise orders received from the French Government during that period should be produced, and communicated to the American Government, to obtain its faith in the existence of an inconsistency in its nature so incredible. But neither his excellency nor any other Swedish functionary, has attempted to show that any such orders were so received; and the undersigned will now dare to trouble his excellency with proof, not merely presumptive, that they were not. A declaration of the Swedish authorities in Pomerania renders it certain that they at least acted in complete ignorance of such orders, as well as of all French interference on the occasion, and in the full conviction that the Swedish Government at Stockholm had the exclusive control of the transaction. This declaration is contained in the reply of those authorities, on the 9th of August, 1811, to a memorial presented to them on the 6th of that month, by certain merchants of Stralsund, on behalf of themselves and of their

Relations with Sweden—Indemnity.

American constituents. This reply clearly manifests the opinion which the Swedish regency in Pomerania entertained of the justice of the object of the memorial, and of the competency of their sovereign to decide definitively in relation to it. It is likewise evident, from their engagement to place provisionally the proceeds of the merchandise claimed in the royal chamber, that they acted independently of all French interference, and that there was no agent of France in their vicinity whom they felt themselves obliged to consult or to obey in this proceeding.

The undersigned presents herewith to his excellency a copy of the translation, by a sworn interpreter, of this reply, as well as of the memorial itself, as they are both in perfect accordance with the statement of facts now submitted.

But the evidence which irresistibly carries with it conviction that the royal orders issued at Stockholm for the sale of the sequestered merchandise at Stralsund could not have been in consequence of any requisition of the French Government received subsequently to the note above mentioned of the Baron Alquier, of the 12th of July, 1811, is collected from another note from that Minister, addressed to His Royal Highness the Prince Royal, on the 13th of August of the same year. In this note, the Baron refers, with sufficient precision, to that which he had addressed to the Swedish Minister on the 12th of the preceding month, and clearly admits, by the manner in which he refers to it, that, since that time, he had neither received from his Government, nor communicated to that of Sweden, any instructions whatever on the subject of the merchandise which had been sequestered in Swedish Pomerania. The Royal order, therefore, which was despatched from Stockholm in sufficient season to cause the advertisement of that merchandise at Stralsund on the 2d day of August, must have been the free and spontaneous act of the Swedish Government, uninfluenced by any requisition of France.

The undersigned dares to present herein to his excellency copies of the two notes of the French Minister already mentioned, as it is possible, from the apparent unacquaintance of his excellency with their contents, that they may not readily be found in the archives of his Department.

There is one part of the note of the 12th of July on which it may still be proper to make a few observations. The duties which appeared to have been sequestered and claimed by France, as well as the merchandise, were here expressly allowed to be received for the account of the Swedish Government, while, in consenting to free the merchandise, there is no intimation of its ulterior appropriation. The duties undoubtedly belonged to Sweden, and merchandise, at least that part of it of which there is here a question, to citizens of the United States; and if the French Government had for a time claimed both, it was now obviously its intention to abandon both to their lawful owners respectively. Common sense and common usage can sanction no other construction; for the right of Sweden being expressly recognised to the duties only, necessarily implied a de-

nial of her right to the merchandise, which was not so recognised. *Expressio unius est exclusio alterius*. On raising the sequester, the parties concerned were to be reinstated in their respective rights; the Swedish Government, therefore, in its subsequent conduct relative to merchandise, appears to have acted not only without the coercion of the French Emperor, but in opposition to his intentions.

The note of the 12th of July is certainly at variance, both in its tone and object, with that of the 13th of August; but whether this variance is to be ascribed to the temper and error of the French Minister, or to a change in the sentiments and policy of his Government, it is not necessary for the undersigned to inquire; it is sufficient, for the justification of the views which he has now presented, that my note of the 12th of July was clear and explicit in its terms, and that it unequivocally placed the American merchandise at the sole and unrestricted disposal of Sweden. Nor does it belong to him to reconcile the new proofs of the constant friendship given by the French Monarch to that of Sweden in consenting, on the 12th of July, to raise the sequester on the colonial produce at Stralsund with the ungracious demand, made on the 13th of the following month, to cause that produce to be sold under the inspection of the French vice-consul, and the proceeds thereof to be deposited in the French vice-consular chest. The demand, made at Stockholm on the 13th of August, could not have had any influence on the sale of the merchandise which took place at Stralsund on the very next day; and it is certainly unnecessary to intimate the impossibility of imputing to that demand the previous order issued at Stockholm, or the advertisement published at Stralsund, in conformity to which that sale was effected; besides, the fact is notorious as already stated, that the French vice-consul was not allowed to interfere, and that the proceeds of the merchandise were paid, not into the French vice-consular chest, but into the Swedish royal chamber in Pomerania.

Were any proofs, in addition to that contained in the reply to the memorial above mentioned, necessary to establish the entire independence of the Swedish regency at Stralsund of all French authority, and that they acted solely on the orders of their own sovereign, this proof would be conclusively furnished by the note of the French Minister of the 13th of August, which expressly states that they refused to act in conjunction with the French vice-consul without first consulting their Government and asking its instructions. It is, therefore, evident that neither the presence of the French troops in Pomerania, nor the treaties of Sweden with France, had induced even the Swedish local authorities to the necessity of submitting to the undefined exactions of the continental system, or of obeying the commands of a French vice-consul. These authorities still had the spirit, surrounded as they might have been by troops and by treaties, to act in conformity to the orders of their own sovereign only; and it is inconceivable that His Majesty, aloof from all the danger, at Stockholm,

Relations with Sweden—Indemnity.

could have been advised to pursue a less dignified and independent course. That he did not, indeed, pursue such a course, is apparent, not only from the facts already stated, but from the circumstance which his excellency has been pleased to communicate, that His Majesty, at that time, caused thirty-three American vessels, richly laden, to be delivered to their lawful owners in the ports of Sweden, in defiance of the formal requisition of the mission of France. This circumstance, instead of justifying or extenuating the sale of the American merchandise at Stralsund, as his excellency appears to believe, demonstrates that sale to have been unnecessary, either from a respect to existing treaties, or from a fear of offending the Government of France. It is difficult to perceive how his excellency could attempt to sanction an act of injustice and violence, which he affects to excuse from a deference existing, and from the necessity of yielding to foreign force, by a simultaneous act of justice, which he considers to be the more meritorious because it was performed in defiance of both.

As to the presence of French troops in Pomerania, it does not appear to have had any influence on the transaction. There was no military requisition made with respect to the American property at Stralsund; but all the demands of France, in relation to that property, as far as they are known to the undersigned, emanated from the civil department at Paris, and were communicated to the Swedish Government through diplomatic or consular functionaries only, unawed by any allusion to the possible intervention of an armed force.

With the actual employment of the proceeds of the confiscated American property, the Government of the United States considers itself as having no concern. It is the loss of that property by citizens of the United States, through an arbitrary act of Sweden, and not any advantage which Sweden did or did not derive from that act, which constitutes the ground of the present claim for compensation. To whatever object those proceeds were applied, the injury sustained by the American citizens remains the same. Still however, the American Government might be inclined to regard the violence with less painful feelings, had it been required for the promotion of some object essential to Sweden, and not gratuitously committed for an object, as his excellency asserts, entirely foreign to her particular interests.

If, contrary to all the evidence and argument which the undersigned has now presented, there should, as his excellency states, have been certain express conditions imposed by France, in raising the sequester, (or in making the transfer, as his excellency is pleased to call it,) requiring that the sums produced by the sale of the merchandise should be applied in placing Pomerania in a state of defence, his excellency will, it is presumed, feel the propriety of communicating these conditions to the American Government, in the terms in which they were originally expressed. Such a communication might, at least, have an effect in diminishing the impression which now exists, that the sale of merchandise was the spontaneous act

of Sweden. But even these conditions, however formal and categorical they might have been, which are relied on as an apology for the proceedings of the Swedish Government, could not be allowed to discharge that Government from its obligations to provide an indemnity to the American citizens whom these proceedings injured. If Sweden had, in fact, only a choice of evils, and elected the less in order to avoid the greater, she was certainly bound, in consequence of this election, to repair the wrong she inflicted on others for her own safety or accommodation. No necessity can be admitted of a nature sufficiently imperious to exonerate her from this responsibility, excepting that which resulted from the actual exercise of a foreign force, which she could not resist, and which, in fact, wrested from her the possession and control of the property which had been placed under the safeguard of her power and good faith. The incontrovertible facts that the orders for the sale were issued at Stockholm, and that the Government of Sweden was at least the unresisting agent, if not the principal, in this transaction, forbid a belief in even the possibility of such a necessity. If, indeed, those orders were not entirely voluntary on the part of Sweden, they could only have been constrained by an attention to her own interests, and by the conviction of the expediency of making a partial and minor sacrifice for the preservation of an object of more general and vital importance; and her honor could never have permitted her to suppose that such a sacrifice for such an object could be made at the expense of others, and not at her own. It was her obvious duty to make an adequate compensation to those who had suffered by the sacrifice as soon as she possessed the means—and she has long possessed them.

Where his excellency obtained his information that France was the ally of America in 1810 and 1811, the unhappy epoch of the seizure and sale of the American merchandise at Stralsund, the undersigned is at a loss to conjecture. The United States never disguise or conceal their relations with foreign Powers; they have no secret treaties for the purpose of eluding a distrustful enemy, or of surprising a confiding friend. Their whole history is open to the world, and, had his excellency consulted it, he would have known that America never was the ally of imperial France. If the United States were, unfortunately, as his excellency intimates, either directly or indirectly, sometimes the victim of the disastrous influence of France, they never were, for a moment, the agents of her vexatious domination.

The undersigned has now had the honor to present to his excellency, concisely, a transaction, with the essential circumstances of which his excellency acknowledges him to be acquainted. It belongs to his excellency, should the statement of these circumstances be erroneous, to furnish the facts necessary for its correction. It is impossible for the Government of the United States, with all the information which it now possesses, to believe that such facts can be furnished; and, if they cannot, his excellency himself must admit that the plea of

Relations with Sweden—Indemnity.

necessity, founded on French compulsion, for the sale of the American merchandise at Stralsund, is without even a plausible pretext to support it.

On the 12th of July, 1811, that merchandise was, by the consent of France, to terminate the sequester, placed at the exclusive disposition of Sweden, and an unqualified power thus given of restoring it to the rightful owners. This power remained unimpaired by any new demand of the French Government for more than a month—a period amply sufficient to have reinstated the citizens of the United States in the full possession of their property, and to have enabled them to rescue it from any future danger with which it might have been menaced by the arbitrary and capricious policy of France. To have merely neglected, for a single day, thus to have exercised that power, would, it is believed, have justly made the Government of Sweden responsible for all the consequences; but not merely to have neglected, during more than an entire month, to restore the property, but to have employed that period and abused that power exclusively for the conversion of that property to its own use, exhibits a course of conduct on the part of that Government for which the mere pecuniary indemnity now demanded would appear to afford but an inadequate satisfaction.

The undersigned has confined himself in this note principally to those topics which it appeared to him proper to discuss, in reply to the communication of his excellency of the 27th of October. He takes the liberty, however, in order to avoid repetition, to refer his excellency to the note of the undersigned, of the 6th of September, 1816, which has hitherto remained without an answer, and of which his excellency, in his communication just mentioned, has not taken the slightest notice.

The undersigned has felt it to be his duty to state to his excellency the views of the Government of the United States on this subject, with perspicuity and frankness, and unrestrained by any repugnance to differ, in fact or inference, from his excellency; and this course he has pursued with less hesitation, as he confidently believed that it would not be ascribed to a want of becoming decorum, but to a regard to truth, and especially to the frequent declarations of his excellency that this transaction was not originally of his cognizance, and that he was therefore unacquainted with its details.

It is indeed to be regretted that the propositions made by the Swedish Government to the special agent of the claimants had not been of so satisfactory a nature as to have rendered this correspondence unnecessary. The undersigned has been encouraged to hope, from the conversations which he had lately had the honor to hold with His Majesty, that the note of his excellency would have contained some specific offer, dictated either by a regard to justice, or by some other honorable and friendly feeling, which should have put this subject of altercation at rest. The Government of the United States would still regard with complacency any arrangement with the claimants which should prevent the necessity of all further official discussion, and leave the harmony between the

two nations without the smallest circumstance to disturb it. But his excellency must be aware that, should the Government of the United States, in the absence of such an arrangement, and in the full contemplation of the real state of the question, as here presented, desist from its demand for indemnity, it would fail in its duty to those who have a right to its protection. The undersigned has been, therefore, specially instructed to urge this demand, and, "while reminding the Swedish Government of its unquestioned justice, and of its amount, so insignificant to the interest of Sweden, yet so distressing to the sufferers, to give notice that, in forbearing to press it in a more peremptory manner, it is by no means the intention of the Government of the United States to abandon it."

The undersigned has prevailed on himself to reply from Vienna to a note which his excellency addressed to him at Berlin; but, as this course is justified on the present occasion by peculiar considerations only, it will not be hereafter pursued. His excellency is therefore requested to address his future communications for the Government of the United States to Christopher Hughes, Esquire, who is charged with the affairs of its legation at Stockholm, during the absence of the Minister.

The undersigned has the honor to repeat to his excellency the assurance of his highest consideration.

JONATHAN RUSSELL.

Copy of a memorial of the merchants of Stralsund to the Swedish Royal Regency.

The humble memorial of sundry within-named merchants of Stralsund, for themselves and their constituents, concerning the restoration of the colonial merchandises which were under sequestration, and the stopping the public sale thereof.

Informed, partly by public report, but especially by the publication of your excellency and the honorable Royal Regency, of the 2d of August, current year, that the colonial merchandises which are lying in the royal warehouses under sequestration are to be publicly sold, we find ourselves obliged most humbly to lay before your excellency and the honorable Royal Regency our reasons why we hope that you will be pleased, with respect to the colonial merchandises belonging to us and our constituents, which have been hitherto under sequestration, to let an exception take place from your measure announced in the newspapers.

Nothing agrees better with the principles of a sound political economy than liberty and security of commerce. Justice requires, unconditionally, that nobody shall be punished for an action which was hitherto permitted, and the prohibition thereof has never been published. Confiding in these principles, we and our commercial friends have ordered hither a quantity of colonial merchandises, which, after their arrival, were put under sequestration. Hard as this measure in itself already is, we could quietly look at it, as the same was only provisional, and we fully confided in the justice of our cause; but, as it now seems the ac-

Protection to American Manufactures.

tual confiscation of the merchandises and the sale thereof are intended, then our and our constituents' interests will be too much injured that we should be able to remain quiet at that too.

All these merchandises have arrived here either from Sweden, under the authorization of the Swedish public authorities, or direct from North America, a State friendly connected with Sweden.

All the papers which concern them, as well as the ships which brought them hither, have been examined by the royal licent here, and have been found blameless; and your excellency, and the honorable Royal Regency yourselves, have granted the permission to enter and unload. Every thing herein has been done on our part publicly and legally. No prohibition opposed us herein; for the better security, we procured yet the special permission of the highest authority of the country, and we have paid, even already, part of the duties on these merchandises; and should now these merchandises nevertheless be confiscated and publicly sold for the benefit of the *fiscus*?

If we were yet in the hands of an enemy, such a measure would certainly not appear so very extraordinary to us, for an enemy only observes his own interest, and not that of the conquered country; but, in a state of peace, when the force of armies gives place to the power of the laws again, we cannot make ourselves familiar with the idea that the State itself should proceed in this manner against its own subjects, and against friends, who, under the protection of the laws, and in confidence upon the legality and publicity of their actions, thought themselves secure.

The Swedish Government, whose steps are always guided by mildness and justice, will certainly, when the matter is once put in a proper light, remain faithful to their mode of proceeding hitherto observed; and the just sentiments of your excellency and of the honorable Royal Regency are known to us by too many instances that we should not hope, with full confidence, that you will make use of all means to avert a measure so detrimental to us and our constituents; and we therefore venture, with the fullest confidence of a happy result, to pray your excellency and the honorable Royal Regency must humbly and most earnestly not to suffer the sale of the colonial merchandises belonging to us and our constituents, which have been hitherto under sequestration, to take place, but put the same to our own free disposition; or, at least, by your gracious interposition with the higher instance, to procure the same.

STRALSUND, August 6, 1811.

I conform with the original.

J. A. IKE,

Royal Assessor, Archivarium, &c.

Copy of a reply to the foregoing.

Upon the petition of the commercial counsellor, Mr. Barnsted, the alderman Evenhagen Schluter, the alderman Ineal, for himself, and attorney for the merchant Isleremond, and the merchants Wewetzen, widow Glasser Beurniss, and J. C. Mugenberg, for themselves and their constituents, for

the restitution of the colonial merchandises put under sequestration, and the prevention of the public sale thereof, it is decreed:

Whereas, according to the newest strict orders from His Royal Majesty, there shall be proceeded immediately with the sale of all the colonial merchandises which have been sequestered here, their petition cannot be granted, but the Royal Regency will make report to the Royal Majesty of the reclamation entered by the memorialists, and the money received from the sale of the now claimed merchandises shall be lodged with the royal chamber until his determination, in order that, in case the same shall be favorable for them, it may immediately be paid over to them.

STRALSUND, August 9, 1811.

Decree for the above mentioned merchants is conformable with the original.

J. A. IKE,

Royal Assessor, Archivarium, &c.

I, Charles Erdmann, sworn interpreter of foreign languages in and for the Commonwealth of Pennsylvania, by lawful authority duly appointed and commissioned, residing in the city of Philadelphia, do certify that the preceding is a true and faithful translation of a certain original paper written in the German language, annexed hereto.

In witness whereof, I have hereunto set my hand and seal of office, this 2d day of January, 1812.

CHARLES ERDMANN.

PROTECTION TO MANUFACTURES.

[Communicated to the House, December 20, 1819.]
To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of a convention of the friends of national industry, assembled in the city of New York, to take into consideration the prostrate situation of our manufactures, and to petition Congress for their relief and protection, composed of delegates from Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Ohio, respectfully sheweth:

That your memorialists appeal to your honorable body, under a firm and a solemn conviction that a crisis has arrived, in the progress of our nation, which imperiously demands the serious attention and prompt exertion of the collected wisdom of its councils, and on which its future destinies must essentially depend.

That the United States, possessing every advantage of soil, climate, and native productions, and with a population industrious, intelligent, and enterprising, to a degree never probably exceeded by any nation; and after enjoying for twenty years the benefit of an over-proportion of the trade of the world,—find themselves in a state of great embarrassment and difficulty, involving almost every description of our citizens. Our commerce is greatly prostrated; our shipping has sunk in value to one-

Protection to American Manufactures.

half of its original cost; real estate is depreciated, in most parts of the country, in an equal degree; numbers of our merchants, manufacturers, and farmers, are reduced to bankruptcy, and the circumstances of many of those who have escaped this calamitous situation are daily impairing; a great portion of our mechanics and artists are unemployed; and all the fruits of their labors, which might have been daily adding to the prosperity of the nation, are wholly lost. In fine, our great staples are so far reduced in price as most seriously to affect the interests of the agriculturists, and to diminish the means of paying for our importations.

That we are deeply indebted to foreign nations, notwithstanding we have transmitted to them as much of our surplus productions as they furnished a market for, and likewise a large amount of our Government and bank stock, which subjects us to an oppressive annual tax for interest, probably equal to the amount of the civil expenses of our Government, which adds to the impoverishing drain of our specie.

That, while so many of our manufacturers are thus ruined; our working people destitute of employment, and of the means to support their families; our manufacturing establishments falling to ruins; and our water powers, with which we are pre-eminently blessed, unemployed,—our cities and towns are filled with the manufactured productions of other nations, by which we have been and are ruinously drained of our wealth.

That those complicated evils which oppress us, and which have taken place during a season of profound peace of nearly five years' duration, after a war closed with honor, and which left us in a state of high prosperity, evince that there is something unsound in our policy, which requires a radical remedy, in the power of the National Legislature alone to apply.

That wisdom dictates to the United States to profit by the experience of other nations; to shun those systems which have operated on them perniciously; and scrupulously to adopt those that have advanced their wealth, power, and resources. Being the youngest nation in the world, they cannot, without a sacrifice of their happiness, pursue the paths that have led some to decay and ruin; nor deviate from those that have exalted others to a high degree of prosperity. We therefore respectfully submit to your serious consideration a slight sketch of the policy of some of the nations of Europe, with its consequences.

At the close of the seventeenth century, Portugal possessed a most flourishing and extensive woollen manufactory, raised to maturity by prohibitions of all rival articles from other nations. The basis of this manufactory was her own raw material, and that of Spain. It employed a large proportion of her population advantageously, and greatly enriched the nation. She was induced to remove the prohibition, and trusted to a protecting duty of 23 per cent. In three or four years the manufactory was destroyed; the manufacturers ruined; the workmen devoted to idleness and beggary; the raw material sold at low rates to foreigners, who employed their workmen on it, and

returned it at an advance of 300 to 400 per cent; whereby she was drained of her wealth, as we have been by similar means. In a word, gradually impoverished and ruined, she holds out a most impressive lesson to the statesmen of all other nations.

The example of Spain is equally striking. She has, for centuries, with those boundless treasures which are lavished on her in vain, nourished the industry of other nations, and often, with those treasures, squandered for their manufactures, fed the armies that have covered her fields with desolation, and shed disgrace on her arms.

The mass of her subjects, unprotected in their industry, are in a state of abject distress and misery; although, under a wise Government, some centuries since, Spain was the most manufacturing and prosperous nation in the world. And even at the present time, two or three of her provinces, under a different régime from the rest of the nation, where industry is protected, are as prosperous and industrious as any part of Europe.

Russia and Austria protect the industry of their subjects, and, in consequence, enjoy a high degree of prosperity and happiness. The former nation prohibits about two hundred articles specifically, among which are all the important manufactures of her allies, France and England. Austria, throughout the wide extent of her dominions, prohibits all cotton, woollen, silk, and other manufactures.

England has protected the industry of her subjects with more care, and has accordingly amassed more wealth, and attained a higher degree of power and influence than any other nation of ancient or modern times, in proportion to her population. The use she has made of her wealth, whatever it may have been, is no impeachment of the merit of the system by which it has been acquired. The case of France, however, is more striking and impressive than that of any other nation. For twenty years she waged wars, bloody and destructive almost beyond example, with two-thirds of Europe, and had in pay, during a large part of that time, armies of nearly a million of men. After those wars were concluded, she was crushed by foreign armies of two or three hundred thousand men, and had enormous contributions and exactions levied on her, to the amount of probably one hundred millions of dollars. Yet she has, in a few years, recovered from all these calamities, by protecting the industry of her subjects, and enjoys at present a greater degree of prosperity, it is stated, on the highest authority, than she has done at any former period.

The late war with Great Britain, and the events which immediately preceded it, produced in many of our reflecting fellow-citizens a due sense of their best and most lasting interests.

With a rapidly unexampled in the history of any other people, a large portion of their capital was transferred from commercial to manufacturing pursuits. The value of goods manufactured in the United States, as taken from the marshals' returns, amounted, as early as 1810, to upwards of one hundred and seventy-two millions of dollars, which value was very greatly increased during the late war.

Protection to American Manufactures.

The peace of Europe was attended with ruinous consequences to us: our infant manufactures were blighted in the bud; the spirit of speculation spread through our country, seducing her votaries from the paths of quiet and laborious industry, by promises of sudden wealth. But it was soon found that the commerce of 1815 and 1816 was not the commerce of 1806 and 1807: the nations by whose calamities we had flourished, whose impoverishment had been our gain, were now at peace with each other, and returning with eager activity to the employments of social life; our vessels were no longer wanted to convey their products, nor to supply them with ours. Cherishing and depending on their own resources, they have furnished us a useful and honorable lesson in the encouragement, support, and extension of domestic, and salutary restrictions on the importation of foreign, manufactures. An imitation of their policy, in this respect, your memorialists believe to be indispensable to the prosperity and independence of our country.

With this belief, and a confident reliance in the disposition of Congress to promote these primary objects by every necessary means, your memorialists would respectfully recommend to your consideration three measures, the adoption of which, we feel persuaded, would remove the embarrassments of our country, and restore life and vigor to our almost expiring manufactures.

These measures are—

First. To abolish credits on import duties.

Secondly. To impose a restrictive duty on sales at auction.

Thirdly. To alter and increase the amount of duties on imported goods.

At the time when credits on duties were first established, the state of our country was very different from what it has since become. Slowly recovering from a long and desolating war, almost destitute of money and commercial connexions, our situation required that every aid and encouragement should be afforded to the first efforts of enterprise. This measure was, therefore, wise and salutary, and dictated by the necessities of the times. The weakness of our internal resources produced a dependence on imposts for the support of Government.

But how striking a contrast have we since presented! How great the change! From a population of three, to ten millions; from an annihilated commerce, to one that spreads its canvass on every sea; from a state of agriculture very little exceeding our own daily wants, to a surplus production exceeding eighty millions per annum; from an almost total want of manufactures, to an actual invested manufacturing capital of cotton and woolen goods alone exceeding fifty millions of dollars! Our commerce was at first carried on by resident merchants, whose prudence and experience restrained importations within due bounds; credits on the duties afforded them, according to the intention of Congress, facilities which their situation required. But, for some years past, and especially since the universal peace in Europe and the conclusion of the late war, those regular traders have

found themselves supplanted by foreign merchants and manufacturers, or desperate speculators, whom the credit on duties has enabled and induced to inundate our markets with foreign goods, producing the most pernicious effects on our mercantile stability and the prosperity of our manufactories.

It may also be here remarked that the operation of this credit on imposts is to create a capital for new importations; for, let us suppose that four importations, to the amount of one hundred thousand dollars each, be made in one year, at the average of twenty-five per cent. duty, the sum of about one hundred thousand dollars is left to trade with in the hands of the importer, with the ultimate risk to Government of the loss of the whole.

The American merchant is regulated and directed in his importations by his experience of the want and consumption of the country, and the prospect of fair and reasonable profits. The foreign merchant or manufacturer, on the other hand, is often impelled by his necessities to seek a market for his goods without regard to these considerations. It is well known, and we presume cannot have escaped the knowledge of Congress, that, at all times, under all circumstances, and at every hazard of expense, the Government, merchants, and manufacturers of Great Britain have their views steadily directed to the extirpation of every germ of manufactures among us. A credit of eight, ten, and twelve months increases their facilities for carrying into execution their hostile purposes.

These consequences, injurious as they are, are exceeded in extent by those which arise from the trade to China and the East Indies; a trade, in the opinion of your memorialists, (encouraged and unrestricted as it is at present,) of the most exhausting and pernicious effects to the country. The long credit of from one to two years allowed by law on duties in this trade, we are sincerely persuaded produces the ruinous effect of draining us of our specie; and, in the case of the greater part of East India goods, overwhelming our markets with inferior and worthless fabrics, which, from their apparent cheapness, meet a ready sale, while the much superior products of our own industry and skill must be sacrificed at a ruinous loss, or remain unsold in the hands of the manufacturer.

When to the foregoing considerations, important as they are to the regular merchant and to the infant manufactures of our country, is added that of the losses to which Government is necessarily subjected by failure in the payment of the duties, your memorialists humbly apprehend that the abolition of all credits for duties on imported goods will, at the same time, protect the manufactures, commerce, and the revenue of the United States.

Your memorialists would next call the attention of Congress to the second evil complained of—unrestrained sales at auction.

Sales at auction, we believe, were originally authorized by law for special purposes, such as the disposal of damaged goods, the effects of bankrupts, or property under execution, or sold by the

Protection to American Manufactures.

direction of courts of law and equity. We believe it will be found, on examination, that such sales were not, until within a few years past, considered by any commercial country in Europe as forming a part of the regular course of trade, but rather as authorized for purposes necessary, indeed, but not at all commercial.

In the greatest commercial and manufacturing nation (Great Britain) they are, even at this day, extremely limited; sometimes used to feel the pulse of the market on the raw materials imported for their manufactures, and occasionally used for the sale of colonial produce and the effects of the East India Company. In no other country have they assumed the same importance as among us. In the extent to which they have now arrived here, they are greatly injurious, not only to the fair and regular trader, but to the community at large.

Large quantities of silk, woollen, cotton, and other goods, are manufactured in Europe and the East Indies expressly for sale at auction in the United States. These goods are of less than the usual length, deficient in breadth, or of flimsy texture—in short, in every respect inferior to the goods they are intended to represent; yet so well dressed, and in other respects so highly finished to the eye, that they generally escape detection until they reach the consumer, who too late discovers their inferiority. For such base fabrics have the people of these States, for years past, been exorbitantly taxed, to the great injury of our own hard-struggling manufacturers.

To give an example of the enormous extent of this business, which affords such facilities to the foreign manufacturer for practising imposition on our citizens, we will instance the amount of sales of foreign goods at auction, in the single city of New York, in one year.

From the best evidence the case affords, (that is, the returns of the auctioneers themselves,) they amounted, in the year 1818, to the prodigious sum of fourteen millions of dollars. Judging from this specimen, it will not be unreasonable to conclude that, in the United States collectively, foreign merchandise to the amount of at least thirty millions of dollars is annually sold in this pernicious mode; a most alarming proof that a very serious portion of the trade of the nation flows in this channel. And your memorialists are satisfied, from past experience, that the sales at auction of domestic goods are as deleterious in their consequences as those of foreign merchandise; inasmuch as they tend to encourage the manufacture of inferior fabrics, and thereby injure the reputation of American fabrics generally; and, also, that the sales of imitations, made in foreign countries with an intent to dispose of them at auction, produce the same injurious effects. Your memorialists are fully convinced of the necessity of imposing some restraint on this tremendous engine of commercial monopoly. For this purpose, they respectfully propose that a duty of ten per cent. be imposed on all foreign and domestic goods sold at auction, except household furniture, farming stock, and utensils, the effects of bankrupts, or goods sold under execution, or otherwise, by direction of

courts of law or equity. This, they hope, will in a great degree diminish, if not altogether cure, this great and growing evil, by destroying, or at least greatly lessening the temptation of profit.

Your memorialists, lastly, submit to the consideration of Congress the necessity of a further modification and increase of the present duties, and respectfully suggest the following alterations in the existing tariff:

That, in lieu of the present duties, a duty of ten cents per square yard be laid on all cotton and linen goods, plain or unstained, having less than seventy threads to the square inch, including warp and filling; fourteen cents per square yard on all having above seventy and under one hundred threads to the square inch, including warp and filling; of eighteen cents per square yard on all having above one hundred and less than one hundred and thirty threads to the square inch, including warp and filling; and so on in the same ratio upwards; and that twenty per cent. be allowed to the above duties on all printed, stained, dyed, colored, or worked cotton and linen goods.

That a duty of thirty-five per cent. *ad valorem*, be laid on all goods made wholly or in part of wool.

That the duty on every kind of silk goods, or of goods made wholly or in part of silk, (sewing silk excepted,) be raised to fifty per cent.

That all kinds of fabrics, not otherwise enumerated, and of less value than fifty cents per square yard, made wholly or in part of silk, cotton, wool, hemp, flax, or any other material, be estimated, and pay the same duty as if of the value of fifty cents.

That an extra duty be collected on all wares and merchandises, on which a bounty has been allowed by any foreign nation, equal in amount to the value of said bounty.

That foreign cotton, and every description of goods made wholly or in part of foreign cotton, be prohibited.

That a duty be laid on iron, in bars or bolts, manufactured without rolling, of one dollar and twenty-five cents per cwt.; on iron, in bars and bolts, when manufactured by rolling, two dollars per cwt.; on iron, in sheets, rods, or hoops, four dollars per cwt.; on iron, in pigs, seventy-five cents per cwt.; and on iron castings, two dollars per cwt.

Declining to enter into a detail of the alterations in the tariff, requisite for the protection of other branches now languishing, we beg leave to recommend to your particular attention, among others, the following:

Glass, copperas, corks, soap, paints, and colors, paper, gunpowder, jewelry, cutlery, plated ware of all kinds, coach and harness furniture, prunella shoes, hats, caps, bonnets, buttons, fire and side arms, china and earthenware, printed books, oil of vitriol, blue vitriol, and chemical preparations generally, gilt and japanned wares, paper hangings of every description, painted or oil cloths, umbrellas, manufactures of copper and brass, springs, screws, cotton stockings, and steel.

Independent of every consideration in favor of the policy of affording adequate protection to do-

Protection to American Manufactures.

mestic industry, as herein recommended, deducible from its promotion of the general welfare of the country, and the protection due to the manufacturers, in common with all other classes of society, as a return for their allegiance to the Government, we are convinced that the farmers and planters would largely participate in the benefits of the system we advocate. The planter would have a steady market for his raw material, not subject to those destructive fluctuations which have produced such extensive ruin within the present year; and the farmer would have an equally steady and increasing demand for the productions of his farm, many of which, particularly in the interior of the country, and in the Western States, will not bear the expense of transportation to market. This advantage is so palpable, that we shall only refer, in illustration of it, to various towns and villages throughout the United States, in the neighborhood of which lands and their productions rose one or two hundred per cent. in value, in consequence of the extensive establishment of manufactures, and, by their decay, have fallen below their original value.

In support of our recommendations, we submit to your consideration a comparative view of the American and British tariff in a few articles:

	<i>Am. tariff.</i>	<i>Br. tariff.</i>
	Per cent.	Ad valorem.
Manufactures of brass -	20	59½
“ cotton -	25	85½
“ copper -	25	59½
“ glass - 20 and 30		114
“ linen -	15	142½
“ silk -	15	prohibited.
China and earthen wares -	20	79
Hats, caps, and bonnets -	30	85½
Woollen hats -	30	150
Stockings, cotton, and woollen	20	85½
Watches, &c. -	7½	59½
Goods, wares, and merchandise, not enumerated -	15	59½
Oil of vitriol -	7½	100
Ale, beer, and porter, per gallon, cents -	10	41½
Woollen and worsted goods, per square yard, cents -	25	755

Your memorialists will only add, that they rely with full confidence on your patriotism and wisdom for the adoption of such measures as will promote the best interests of our common country.

W. FEW, *President.*

Attest: MATHEW CAREY, *Secretary.*

PROTECTION TO MANUFACTURES.

[Communicated to the Senate, December 27, 1819.]
To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the American Society of the city of New York for the encouragement of domestic manufactures, respectfully represents: That your memorialists conceive it to be a prevalent

opinion among all those who are concerned for the present and future welfare of the nation, that some legislative measures are imperiously necessary to check the evils which have so deeply afflicted every part of the country, devastated its commercial, agricultural, and manufacturing interests, and laid waste the pecuniary affairs of the people.

That, notwithstanding the degree of embarrassment, depression, and distress, which is so universally felt, and the gloominess of the present prospects of every form of honest industry and enterprise, your memorialists are persuaded that such measures may be adopted by your honorable body as will afford a material and permanent relief.

Your memorialists apprehend that there is as little difference of opinion in respect to the causes which have, for many years, been operating to produce the present crisis, as in respect to the nature of the evils, the existence of which they deplore; and that the time has come when those differences of sentiment which once prevailed between those concerned respectively in the affairs of commerce, agriculture, and manufactures, are lost in the apprehension of ruin to them all.

It is felt by every one to be beyond the power of legislation, to restore that part of our commerce which was destroyed by the pacification of Europe, or to create foreign markets for that surplus produce of our soil, of which a superabundance is furnished by every other country. But every eye is turned to the supreme council of the nation as competent to restrain the excessive influx of foreign products, by which we have been made so dependent upon transatlantic markets; have incurred an enormous balance of trade against us; have been drained of our specie, deranged in our finances, exhausted, and brought to the near prospect of general impoverishment.

The deplorable effects of this excessive importation of foreign merchandise are so palpable and so deeply felt, that your memorialists forbear to dwell upon them, and proceed to ask the attention of your honorable body to those methods of restraint which they deem most eligible, and which they believe will countervail the principal incentives and temptations to the evil so much complained of. And they are persuaded that the credit allowed upon bonds at the custom-house, by facilitating the operations, and affording capital to speculators and alien traders and manufacturers, to the injury and ruin of the regular American merchant; and the practice of sales at auction, by enabling such speculators, traders, and manufacturers, not only to force their goods upon the market immediately after their arrival in the country, but to vend goods manufactured for that purpose, and of such inferior quality that no regular private sale of them could be effected, are two of the principal causes of the excessive influx of foreign manufactures. Nor is there reason to hope that the evils, of which these causes are so prolific, will cure themselves. The state of Europe being such as to occasion a vast surplus of manufactures, it is inevitable that greater loss must accrue upon that surplus if detained at home, than is hazarded by

Remonstrance against an increase of Duties on Imports.

the exportation of it to our markets. It can be sent hither upon foreign account, with the following advantages :

1st. With the certainty of an immediate sale by auction, upon condition of immediate remittances; whereas sale at home would have been impracticable, and the want of the proceeds would probably have been ruinous.

2d. The benefit of the credit upon the duties, realized in the form of interest, or of active capital.

3d. The very trifling expenses incurred by the transaction of business in this manner, compared with those which are unavoidable to a regular mercantile establishment.

4th. The animating prospect of utterly annihilating all attempts at manufacturing in this country.

These circumstances, even should every regular American importer abandon his business, are sufficient to cause the country, for years to come, to be inundated and overwhelmed with the products of foreign industry.

In confirmation of this statement, your memorialists beg leave to add, that, in the year 1818, goods to the amount of fourteen millions of dollars were sold by public auction in this city; and they believe that the whole amount of such sales in the United States was not less than thirty millions of dollars; and that the amount due to the Government upon bonds, which was held by importers as capital for their ruinous operations, was not, and is not at this moment, less than twenty millions of dollars. But for this credit upon duties, and the facility of these sales by auction, it can scarcely be doubted but that importations would be restricted within reasonable bounds, and would be governed by the fair demands of regular business. The evils flowing from these two causes are common to the trade with Europe, and that with India and China. A vast amount of the surplus products of the two latter countries is annually shipped by natives and others, and sold by public auction in our markets, and the proceeds returned in our precious metals. The incitements to this trade, so confessedly ruinous to this country, are precisely the same as those which operate upon the trade with Europe. The existence of a vast surplus of manufactures, the bounty given on importations by the credit upon imports here, the certainty of immediate sales and returns, are temptations which it is vain to hope will be resisted or diminished, until the Legislature shall interpose its authority.

And your memorialists are convinced that any measures which should go to remove these causes of evil would not only preserve the nation from further and more hopeless embarrassment, but would afford material relief to the commercial, agricultural, and manufacturing interests of the country; nor can they imagine any alleviation of the present distress, which shall not extend to these several branches of industry and enterprise. They therefore respectfully pray your honorable body—

1st. To abolish credits on the duties accruing on imports.

2d. To impose a duty of ten per cent. upon all foreign and domestic goods sold by auction, with the exception of farming stock and utensils, goods sold under execution or otherwise, by direction of courts of law or equity.

And in consideration of the great importance of protecting the cultivation of cotton, the principal staple of the country, by securing to it a preference in foreign markets, and shielding it from the ruinous fluctuations incident to a competition with the overwhelming quantities and inferior qualities of India and other parts of the world; as also in consideration of the great importance of affording security and permanency to the interests of the manufactories of cotton, and especially of the coarser fabrics, already established in this country, your memorialists further pray that Congress would restrict the importation of cotton goods to such, and such only, as have been manufactured wholly from the raw material grown in the United States, and to increase the duties on all cottons of foreign growth.

Your memorialists forbear to enter into any detail, or to advance any further arguments in support of what they deem to be the only sound policy of the Government of the United States; but they respectfully beg reference to two important documents emanating from the Government on this subject, viz :

1st. The report of Alexander Hamilton, Secretary of the Treasury, of January, 1790.

2d. The report of the Committee on Commerce and Manufactures, of the 13th of January and the 6th of March, 1816; which they trust will place this subject in its proper point of view.

And your memorialists further respectfully pray that such alterations, amendments, and increase of the tariff, may be made, as Congress in their wisdom may judge best calculated to encourage the industry of the people, and secure to the nation the advantages of their enterprise and labor.

W. FEW, *President.*

PETER H. SCHENCK, } *Secretaries.*
JOHN E. HYDE, }

DECEMBER 16, 1819.

REMONSTRANCE AGAINST AN INCREASE OF DUTIES ON IMPORTS.

[Communicated to the House, January 3, 1820.]
To the Congress of the United States :

The remonstrance of the Virginia Agricultural Society of Fredericksburg against the attempts now making, by our domestic manufacturers and their friends, to increase the duties upon foreign goods, wares, and merchandise, respectfully represents :

That it is the indisputable right of every free people to petition and remonstrate, either individually or collectively, not only against grievances actually inflicted, but against such also as are either seriously threatened or meditated.

That hostility, resulting from true republican

Remonstrance against an increase of Duties on Imports.

principles, to partial taxation, exclusive privileges, and monopolies created by law, was the primary cause of our glorious and ever memorable Revolution.

That, although most of us are only the descendants of those patriots who achieved that Revolution, by the lavish expenditure of their treasure and their blood, yet that we inherit enough of their spirit to feel equal aversion to similar oppressions; at the same time, we confidently trust that neither we, nor our sons after us, will ever be found backward or reluctant in offering up at the shrine of national good and national happiness any sacrifices, however great, which their promotion and preservation may obviously and necessarily require. But we have been taught to believe that a parental Government—a Government founded upon the immutable and sacred principles of truth, justice, and liberty—if she required sacrifices at all from those whom she is so solemnly bound to protect, would make them such as should operate equally upon every member of the community.

That we view with great concern, both nationally and individually, certain late attempts, on the part of various descriptions of domestic manufacturers, to induce your honorable body to increase the duties upon imports, already so high as to amount, upon many articles, nearly to a prohibition. The increased cost upon some of these may truly be designated a tax upon knowledge, if not a bounty to ignorance; such, for example, as the duty upon books in foreign languages, and upon philosophical, mathematical, surgical, and chemical instruments.

That, although, these attempts are sustained under the plausible pretext of “promoting national industry,” they are calculated (we will not say in *design*, but certainly in *effect*) to produce a tax highly impolitic in its nature, partial in its operation, and oppressive in its effect; a tax, in fact, to be levied principally on the great body of agriculturists, who constitute a large majority of the whole American people, and who are the chief consumers of all foreign imports.

That such a tax would be a flagrant violation of the soundest and most important principles of political economy, amongst which we deem the following to be incontrovertibly true; that, as the interests of dealers and consumers necessarily conflict with each other, the first always aiming to *narrow*, whilst the latter, who form the majority of every nation, as constantly endeavor to *enlarge* competition; by which enlargement alone extravagant prices and exorbitant profits are prevented, it is the duty of every wise and just Government to secure the consumers against both exorbitant profits and extravagant prices, by leaving competition as free and open as possible.

That in this way alone can the benefits of good government be equalized among the various orders and classes of society, the prosperity and happiness of which depend not upon immunities, privileges, and monopolies granted to one class or order at the expense of another, but upon the unfettered exercise of talent, skill, and industry, directed and employed in whatever manner, and upon whatso-

ever objects of pursuit, each individual may select for himself; provided, always, that such objects be not incompatible with the public good; for so to use your own rights as not to injure the rights of others, is not less the dictate of common sense and common honesty than it is a cardinal maxim of all legitimate government.

That national industry is best promoted by leaving every member of society free to apply his labor and his knowledge according to his own choice, exempt from all restraints but such as the public good requires, and burdened with no tax but such as shall be both impartial, and as moderate as the exigencies of the State will permit.

That, according to the natural progress of society in every country favorably situated for agriculture, the class of manufacturers is the last to spring up; but that it will necessarily do so, as soon as either the natural or artificial wants of the people create a demand for their labors.

That any legislative interference to force either this or any other class into existence by the strong arm of power, exercised in levying taxes to support the forced class, contrary to the wishes and interests of the other members of the community, is not only bad policy, but oppression; because taxes of any kind, to be rightfully levied, should be equal, and should be imposed, not for the emolument of any one portion of society at the expense of the rest, but for the support of Government alone.

That either to exclude foreign manufactures, or to tax them very heavily, under a notion of improving those of domestic fabric, lessens the profits of agriculture; diminishes the public revenue, either by augmenting the number of smugglers, or by enabling the domestic manufacturer to pocket that sum which otherwise would go into the public treasury, under the form of an import duty; and at the same time secures to him the power of practising upon the community the double imposition of deteriorating his goods, and selling them at a higher price; because that competition which constitutes the only security for skill, industry, and moderate prices, is either entirely removed, or so limited as not to be felt.

“That all free trade, of whatever description, must be a mutual benefit to the parties engaged in it,” notwithstanding the profits arising therefrom may be somewhat unequally divided; because by free trade alone can supply and demand (the two circumstances upon which trade of every kind depends,) be kept nearly equal to each other.

“That, instead of struggling against the dictates of reason and nature, and madly attempting to produce every thing at home, countries should study to direct their labors to those departments of industry for which their situation and circumstances are best adapted.”

“That the use of capital should be left, as much as possible, to the care of those to whom it belongs; because they will be most likely to discover in what line it can be employed to the greatest advantage.”

And that the best regulated and happiest communities are those wherein all the various trades,

Payment of Duties in Cash.

professions, and callings, enjoy equal rights, and contribute equally to the necessary support of their common Government; but that if any one should be thought to have superior claims to the fostering care of the National Legislature, it should be "the tillers of the earth—the fountain-head of all wealth, of all power, and of all prosperity."

The sagacious and patriotic Franklin has said (and we believe he never uttered a better or wiser remark) "that most of the statutes or acts, edicts, arrets, and placards, of parliaments, princes, and States, for regulating, directing, or restraining trade, have, we think, been either political blunders, or jobs obtained by artful men for private advantage, under pretence of public good."

Your petitioners have thus freely, but respectfully, endeavored to represent to your honorable body their views of a policy which you are so importunately urged to adopt, but upon which we should have said nothing, having due confidence both in your willingness and ability to protect the great landed interests of our country, had we not been apprehensive that silence might possibly be construed into consent, if all who are attached to those interests had forbore to speak, when so clamorously and powerfully assailed. To guard against the possibility of misapprehension, we take this occasion to say, that we are incapable of feeling any thing like enmity towards either manufacturers or any other useful description of our fellow-citizens, but heartily wish them all the success to which their skill and industry may entitle them, in whatsoever way applied; provided, always, that such application be not made at our risk, and continued at our cost. We will go further, and pledge ourselves to prefer whatever they may manufacture, at any time that they will make the price and the quality the same with the quality and price of similar articles of foreign fabric. To give more for any article simply because it is made at home may suit the feelings of political enthusiasm, but it can never promote the interests either of individuals or of nations. To buy as cheap as you can, no matter where, and to sell as dear, is the maxim which should regulate the commerce of both; for if competition be left free, neither can be exorbitant in their demands. We ask no tax upon manufacturers for our benefit; neither do we desire any thing of Government to enable us to cultivate the soil as profitably as we could wish, but to leave us free, so far as it depends on them, to carry our products to the best market we can find, and to purchase what we want in return, on the best terms we can, either at home or abroad. We will ever support the Government of our choice in all just and rightful undertakings, both with our fortunes and our lives; but we will never voluntarily contribute to maintain either manufacturers, or any other class of citizens, by the payment of unequal and partial taxes, by awarding to them exclusive privileges, or by sustaining them in the enjoyment of oppressive monopolies, which are ultimately to grind both us and our children after us "into dust and ashes."

All which is respectfully submitted.

JAS. M. GARNETT, *Pres't.*

PAYMENT OF DUTIES IN CASH.

[Communicated to the House, January 5, 1820.]
To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The memorial and petition of the undersigned, merchants and citizens of Baltimore, respectfully sheweth, that they, with their fellow-citizens generally, being seriously affected by, and deeply impressed with a sense of, the pecuniary embarrassment which prevails in every section of the country, beg leave to submit to the superior wisdom of Congress what appears to them as being among the prominent exciting and sustaining causes of the present distress, and respectfully to petition for a modification, which they are fully persuaded would afford very considerable, if not entire relief.

The very liberal policy which has been pursued by the American Government in relation to commerce, and particularly in regard to the collection of the duties on imported merchandise, appears to your memorialists to have caused the accumulation of a stock of foreign goods, not only in the seaport towns, but also throughout every part of the interior of our country, considerably above its necessary consumption, or the means of immediate payment.

The heavy stocks thus accumulated, appear, in some measure, and in several descriptions of merchandise, to be kept up by the extended credits on which these articles may be obtained in Europe, but more particularly by the inviting convenience of the liberal credits given by the Government here for the payment of the duties on importation, which not only encourages the American merchants to project a scale of trade fully equal to our means of remittance, in the produce of our land and labor, taken from us by foreign countries, but also holds out the stronger inducement for foreign houses to press into the country large additional supplies on their own account, which, if it ever were desirable, in the more infant state of the commerce of this country, to encourage the use of foreign capital to aid the import trade, your memorialists apprehend that the period has now arrived which renders such a policy rather an evil than a benefit. The wealth thus acquired out of American industry by transient merchants, or for foreign account, generally, in the end, leaves the country; while, in the progress of this trade, their operations oppress it with debt, and create a constant demand upon it for specie. In the mean time a considerable amount of American capital, for want of employment, has been drawn into various unnatural channels; among others, your memorialists beg leave to notice the fitting out of vessels for the purpose of prosecuting, under foreign colors, illicit privateering and piracy, and for engaging in the cruel and unnatural traffic to Africa for slaves; to the great demoralizing tendency upon the mariners of our country, who are thus employed to execute crimes which originate in the secret forebodings and projects of others residing among us.

Payment of Duties in Cash.

A large amount of American capital, employed by some of the most respectable houses hitherto engaged in the import trade, has also been forced out of it, by the superior advantages and obvious rivalry of those who work on foreign account, in the various refinements which take place between owner and agent, in regard to the original cost on which duties are paid.

In addition to what would be the demand for foreign merchandise, under a wholesome operation of trade, your memorialists beg leave to suggest that importations of goods, obtained on credit in a foreign market, thus paying a duty, on an extended credit here, have been effected to a very considerable extent, with the exclusive design of raising funds for other objects. Large consignments of merchandise are also made by foreign houses to their agents and others residing in this country, upon the information taken from American orders and commissions, after the American merchants had given these orders, to the full extent that it was safe and proper to be done; and many of the goods, thus imported, being sold at public auction for cash, afford to the foreign owner the use of capital equal to the amount and credit on the duties.

Voyages have likewise been executed to and from the West Indies, first by purchasing a cargo in this country on extended credit, with a view of realizing the return cargo, in cash, before the credit on the first or the credit on the duties would expire.

A cargo of teas, arriving in this country, to a favorable market, and immediately sold, will furnish the means, both as to time and amount, for a new voyage, of equal value, by the credit alone which is allowed for the payment of the duties, without the aid of any other capital. A cargo of West India spirits, arriving, and being sold, under the same circumstances, will furnish, in like manner, the means of two subsequent voyages, the second double the amount of the first, before the expiration of the credit on the duties.

The accommodation of a long credit, on the very heavy duties now payable on nearly all imported merchandise, but more especially on teas, foreign spirits, wines, sugars, coffee, and foreign manufactured goods, by constituting a considerable part of the price for which they are sold in this market, thus forms a prominent consideration in the commercial object of some merchants, under particular circumstances, without any regard to the evil consequences, both public and private, which attend their operations. If the rate of duties were increased to double their present amount, payable on the same term of credit, the defect in the policy of giving a long credit on heavy duties would be rendered still more obvious, by a great enlargement of unsound commercial operations, with an equal increase of all the other evils which attend the present system.

In this state of commercial existence, your memorialists beg leave further to suggest that the immense overstock of foreign merchandise, thus, in some measure, forced into the country, soon becomes pressed, from the superabundance, into the interior—generally on extended credits.

The merchants of the interior are thereby enabled to offer their merchandise on the same or more alluring credits, almost at the door of every consumer; while the consumers too often, in return, relaxing in their industry, and neglecting to improve the advantages which nature has placed around them, continue to supply themselves out of the foreign stock, until debt and embarrassment have arrested the procedure. Your memorialists are aware that the late excessive and fictitious banking operations contributed greatly to delude the American community; and that goods of domestic fabric, when offered in excessive quantities, and on immoderate credits, would also have a tendency to impair industry amongst the consumers. But it must appear equally obvious that a fair demand would exhilarate manufacturing industry, and that, in the same commonwealth, an equilibrium must soon take place. But the wide difference between the policy which invites the expenditure of wealth, even upon luxuries, produced from the industrious labor of our own country, and the policy which invites to the expenditure of the same wealth upon luxuries of foreign origin, thus supporting foreign industry and neglecting domestic, your memorialists apprehend to be worthy of a peculiar consideration.

From the practice and habit of using foreign goods in such abundance, your memorialists further apprehend that an unwarrantable prejudice has been created in favor of them, to the great moral injury of the American community, who are now disposed to consider many of those articles not only as matters of convenience and comfort, but also as the test of importance among their fellow-citizens. The expensive woollen, cotton, and linen fabrics of Great Britain and Ireland; the costly silks of China, France, and Italy; the coffee, sugar, and teas of the Indies; the extravagant wines of Madeira, &c. are, from an acquired taste, producing a vitiated standard of public opinion, considered essential for the table, and for the apparel of a respectable family in the American community, and constitute a very considerable part of their consumption and expenditure. If the amount annually paid for the excessive proportions of these luxuries was, only for a few years, saved to the country, your memorialists feel confident that the United States would be placed, on the scale of independent prosperity, above the rivalry of any other people; but as the natural consequence of an import trade greatly overdone, from the causes which your memorialists have had the honor to suggest, the interior of the country now stands largely indebted to the merchants of the seaport towns, while the latter are scarcely less in debt to foreign countries; and to meet the balance of trade thus created against us, or, with a view to new importations, after the produce of the country is taken abroad to the extent of the present demand for it, they are engaged in collecting and exporting a part of the small quantity of specie remaining in the country, which it is now manifest would have been carried out to a greater extent but for the extensive sales and hypothecation of American stocks in England since the late

Objections to Cash Payment of Duties.

war, contributing hitherto to keep down the premium on exchange, and retaining, for the time being, the specie in the country, but still leaving the nation, to an equal amount, in debt for future settlement.

Your memorialists, therefore, with a view to sound national policy, by raising an additional barrier to the excessive importation of foreign goods above our means of payment; with a view to a more equal and correct payment of the duties; with a view to check the inordinate preference given to foreign productions, by bringing those of our own country more into use; with a view to improve the condition of commerce, by coercing trade more into operations for cash, or on shorter credits; with a view to secure to the resident American merchant, and thus to the country, the profits growing out of American trade; with a view to turn the balance of trade as much as possible in our favor, and thereby to bring back a portion of the precious metals; and, finally, but still with a view of leaving commerce free, for the employment of American capital, in all articles which the country may require, and can afford to consume, whether as matters of necessity, convenience, or objects of taste and fancy—with these views and designs, your memorialists respectfully pray that the duties on all foreign goods, wares, and merchandise, imported into the United States, may be made payable in cash; or, if the goods are put into the public stores, that the duties may be made to bear an interest from the date of one month after the entry of the vessel in which they may be imported.

And, under the influence of a sense of justice, actuated by feelings of humanity, and with a high regard for the reputation of their country, and particularly for the city in which they reside, your memorialists further pray that effectual measures may be taken to arrest the practice, which, it is apprehended, still prevails to a considerable extent) of employing American vessels and American mariners, under foreign colors, in unlawful privateering and piracy, as well as in the African slave trade.

WM. PATTERSON, *and others.*

BALTIMORE, December 20, 1819.

OBJECTIONS TO THE CASH PAYMENT OF DUTIES, &c.

[Communicated to the House, January 6, 1820.]

To the honorable the Senate and House of Representatives of the United States of America, in Congress assembled:

The memorial of the Chamber of Commerce of the city of New York respectfully sheweth, that your memorialists have been informed that petitions are about to be laid before your honorable body, from this city and elsewhere, praying that a law be passed altering the system of collecting the revenue in such manner as to make the duties payable in cash, in place of allowing, according to the established practice, a credit on bonds; the

nature and consequences of the proposed change, so interesting to all those concerned in the foreign commerce of the United States, your memorialists will respectfully attempt to point out to the Legislature of their country.

The present system of collecting duties formed a part of the first revenue laws of the United States: it was proposed thirty years ago by one of the ablest financiers of which this country can boast, was adopted after the maturest consideration, and has since been many times attentively re-examined; laws and regulations to enforce it, and to preserve the rights of the Government, have been carefully devised; and it may with safety be said, that in no country whatever have the imposts been collected with smaller losses or at a less expense; and, even of the small losses which have accrued, it is well known that a part has been owing to the want of vigilance and attention of the officers intrusted with the collection of the duties.

From the commencement of the present Government, the existing system of collecting the duties has confessedly been in successful operation; the commerce and agriculture of the country have been fostered by it, and under its influence the United States have advanced to wealth with a celerity beyond example, and have, in a great degree, by the activity of commercial and other national interests, stimulated and supported by this judicious system, risen from a state of infant feebleness to a maturity of strength and power. During this long period, this system has become interwoven and intimately connected with every interest of the community; it has been universally acquiesced in, and has scarcely had to encounter even a censure; but now the National Legislature are called upon to change laws of acknowledged excellence, whose utility has been sanctioned by the experience of thirty years, and to substitute others altogether new, and of uncertain operation and effect.

Great and sudden alterations of the commercial laws of a country ought not to be made, unless evils of magnitude can clearly be pointed out in the existing laws, or great benefits can be proved to accrue from the proposed changes. The reasons urged against the present system of collecting duties are, that it tends to encourage overtrading, and to inundate the country with foreign goods. These are, in part, true; for a credit on the first cost, or on the expenses of importing goods, will increase the quantity imported, and of course lessen the profits; the importer will sell lower, and the consumer buy cheaper; and as it operates by increasing a competition, the smallest possible profit on the trade will be charged, and in many instances it will even be carried on at a positive loss. But this cannot long endure; commerce will in this branch, as in every other, regulate itself, and will not continue to be carried on without producing some profit on the capital employed. The influx of goods into the United States is, however, attributable to other causes; the great increase of British manufactures and the decrease of their markets (other nations in time of peace manufacturing for them-

Objections to Cash Payment of Duties.

selves,) will much more satisfactorily account for the surplus of foreign manufactured goods in this country. But there is another cause for the accumulation of foreign manufactures here, and one which may fairly be hailed as an evidence of returning health in the body politic, because it proves that we are recommencing habits of economy and industry. By the late Treasury report, it appears that the amount of goods imported is much reduced; taking this fact in connexion with the assertions made to your honorable body from various sources, that we are deluged with foreign fabrics, and the inference, not that we have imported more, but that we have consumed less, is irresistible.

Another reason urged against credits on duties is, that it furnishes a capital for the merchant equal to the whole amount of duties bonded. This is also true, but to a certain degree only: so far as the importer of goods receives back from the buyer or consumer the duties for which he has bonded before the bonds have been paid, it becomes to him an additional capital. In the China and India trade, the capital thus raised out of duties is sometimes very large, but in all the other branches of the foreign commerce of the United States the reverse is true; and it is asserted, without fear of contradiction, that the duties are paid to the Government, on an average, before they are received from the consumer. But in those cases where the duties operate to increase the capital of the importer, what is the consequence? It may benefit him; it certainly does promote the interest of the community; as the amount of capital is increased, the profit on capital is diminished; the merchant gives more to the agriculturist for his productions, and sells him his supplies at a lower price.

Your memorialists respectfully solicit the attention of Congress to some of the consequences of the proposed recommendation, that the payment of the duties on goods should be in cash, at the time of their arrival.

Suppose such a law passed and rigidly carried into effect: at any time when it commences, the prospective payments into the Treasury from bonds for twelve months would amount to about twenty millions of dollars; the amount of duties accruing during the same period, and payable in cash, may be stated at about eighteen millions; the contributions of the community would thus be nearly doubled, and the payments of two years brought into one. Is any community, it may fairly be asked, able to bear an addition to heavy duties of ninety per cent. in one year? and if such an addition could be collected, the inquiry is of immense importance, what would be the consequence to the commercial, agricultural, and manufacturing interests of the country, of withdrawing so great a proportion of actual capital from those pursuits, and placing it in the hands of the Treasurer? It is no less important to inquire what would be the consequence to our numerous and respectable State banks, of disturbing, and perhaps withdrawing from them so great a proportion of their deposits, and placing them in the vaults of another moneyed institution?

But the Chamber of Commerce cannot suppose, for a moment, that a law will be enacted rigidly enforcing the payment of duties in cash on the arrival of the goods, or that, if enacted, it could possibly be carried into effect. A new law must provide for a great number of contingent cases: when goods arrive, some consignees may be absent, some may be dead, some have become bankrupt, some refuse to receive the consignment; some parcels of goods may be without invoices, others damaged; a malignant sickness prevailing in a port may prevent any consignee from entering his goods. These cases will show the absolute necessity of warehouses being provided by the collectors, to receive such goods as are not entered, and of appointing a time by law when, if not entered and the duties paid, they shall be sold. So many exceptions will become necessary in the operations of the law, that the new system, instead of being for the collection of duties in cash on the arrival of the goods, will really be for the collection of duties on goods after they have been stored; thus, as to a credit on the duties, the old and new systems will approximate—the security for duties on the former, bonds with surety, and, on the latter, the goods themselves. If there is any advantage to the Government in this change, it will be gained by the introduction of serious evils and disadvantages; the charges of collection will be enormously enhanced, and the number of officers greatly increased. Individuals will be subjected to additional expenses, to new and vexatious regulations at the custom-houses, together with delays in business, and injury to the goods stored. Although the expense and inconvenience of storing goods be very great, still the circumstances of many merchants would make it necessary to submit to them; others, more wealthy, would be able to pay the duties on arrival, and thereby avoid those inconveniences; in this class will be found the foreign agent, who will be furnished with funds by drawing on his principal at home, or his factor here; thus the tendency of the system will be to create and sustain a monopoly in the hands of foreign and other capitalists, and to oppress and bear down that class whose moderate means and great industry strengthen and invigorate the best interests of the community.

The effect of the proposed measure on the revenue of the country cannot fail, in the opinion of your memorialists, to be seriously embarrassing to the Government. The payment of duties in cash, or a charge of interest from the arrival of the goods until the duties are paid, will, it is true, be equal to an additional duty of about five per cent.; but still, a change from a system well understood, to one whose operations are unknown and uncertain, will alarm the timid, and increase the caution of the prudent merchant, and, until all its consequences are developed, will have a tendency greatly to restrain and limit the commercial operations of the country, and proportionably lessen the duties on importations; and the Treasury, after the first year, will have parted with a fund in bonds equal at all times to about twenty millions of dollars, payable within twelve months, and which would

Protection to American Manufactures.

always prove a solid resource in case of a war with a maritime nation.

Your memorialists feel a deep solicitude on this subject, and are earnestly desirous that the National Legislature may see that the difficulties to which the commerce of this country has been exposed have arisen out of the great changes which have taken place in the state of the world some years past, and that our sufferings have been in common with other nations; that the evils complained of will naturally regulate themselves; and that to attempt to remove them by changing the established system of the country, and introducing new laws making duties payable in cash, will be equally unavailing and injurious.

The Chamber of Commerce, having thus taken the liberty respectfully to express their sentiments on one great national question, hope it will not be considered presumptuous if they introduce another important subject to the attention of your honorable body. Memorials from this city and elsewhere will, it is understood, be laid before Congress, recommending that a duty of ten per cent. be laid on all sales at auction. This, in the opinion of your memorialists, is equivalent to recommending a law prohibiting all sales at auction. The policy of regulating, and the impolicy of prohibiting sales at auction, seem to be equally clear and certain.

A considerable portion of the goods sold at auction in the United States are on account of foreigners, who ship them direct to the auctioneer, or to agents who place them in his hands; thus avoiding the expense of warehouses, stores and other parts of a mercantile establishment, to which merchants in a regular line of business are subjected. So many goods are sold at auction as to regulate the prices of those sold at private sale, the importer, therefore, who intends to sell at private sale, must sell about as low as the auction prices, and be subjected to the usual expenses of a mercantile establishment. To place these classes of merchants on an equality, a moderate duty on sales at auction would seem to be necessary.

Your memorialists, therefore, respectfully recommend to your honorable body to pass a law laying a duty of two and a half per cent. on all goods sold at auction in original packages, and of five per cent. on all other goods sold at auction, with the exception of the property of bankrupts or insolvents assigned for the benefit of their creditors, the property of deceased persons, goods sold by process of law, and goods damaged at sea and sold for the benefit of the owners or insurers. And your, &c.

WM. BAYARD, *President.*

JOHN PINTARD, *Secretary.*

PROTECTION TO MANUFACTURES.

[Communicated to the Senate, January 10, 1820.]

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The memorial of citizens of Middletown and its vicinity, in the State of Connecticut, respectfully

represents : That your memorialists, viewing the success of American manufactures as an object of great national importance, earnestly hope that such duty may be imposed upon imported fabrics (more especially those of wool and cotton) as shall be adequate to protect our own from a ruinous competition. All wise nations, even those who from selfish motives would dissuade us from following their example, have strenuously extended this species of protection to their manufactures.

Most of your memorialists have no personal interest in manufacturing establishments. They are influenced solely by a wish to promote the cause of their country against foreign nations—a cause in which are involved the prosperity and happiness of all the different sections of these United States in which the cotton planters of the South, and still more obviously the inhabitants of the Western States, from their remote inland situation, and the liability of their single outlet to the ocean to be obstructed, if not closed, by hostile squadrons, have as deep an interest as the artisans and farmers of the Northern and Eastern States. Our foreign markets are, and probably for a long period will be, so limited and depressed, that the exportation of the surplus produce of our soil cannot furnish our former, nor indeed any considerable resources. Thus, while both our agriculture and our commerce languish, we must, of necessity, turn to domestic manufactures for relief. If American manufactures were duly protected, they create for agriculture an extensive and permanent home market, which would powerfully aid in removing the present severe pressure on our country; that useful branch of industry, doubly more valuable than our foreign commerce—the coasting trade—which generates no collision with other nations, would be prodigiously increased; our seamen be preserved, and in readiness to assist us in the exigencies of defensive or inevitable war.

A deadly blight ought not to be thrown upon the enterprise of our manufacturers, by the fear of lessening the revenues of the customs. Their diminution would not be so formidable as is frequently apprehended; for the higher rate of duties imposed would, in a considerable degree, counterbalance the reduction in the quantity of our imports. Even were the receipts of the custom-house diminished more than we believe, the national debt would only require a few years more for its extinguishment. This consideration should not be allowed to expose multitudes of our fellow-citizens to ruinous speculation, or inactivity, or labor for a bare penurious subsistence—the sure consequences of the prostration of American manufactures at this period.

Nations, like individuals, must become poor and dependent when they habitually purchase to an amount larger than the product of their labor. Such a state of things, unfortunately existing now among us, will soon be as injurious to morals as to property. If long continued, not only moral but political virtue would be extinct, and patriotism a word of derision or reproach. Indolence, the parent of vice, would combine with artificial wants to enervate; the luxury and domineering influence

Protection to American Manufactures.

of a few rich men, acting upon the poverty of the mass of our citizens, would corrupt; and the neglect of national industry by the Government would alienate the people from our inestimable political institutions. It should never be forgotten that, in the hour of danger, a safe reliance cannot be placed on the mere love of native soil. The paternal encouragement of all the various classes, and of all the useful occupations in the community, is requisite to secure the tie which binds the people to their Government. Everywhere, and particularly in a confederation of States like ours, mutual interest is the most indissoluble bond of union. Should our artisans be treated with cold neglect, while those under monarchies are warmly cherished, strong prejudices might be excited against our Government and our country.

Agriculture alone cannot furnish all the necessities and conveniences of life. Again: independently of those engaged in the indispensable mechanic arts, a large portion of our people cannot be employed as cultivators of the soil. Women, children, and also many of our men, are incapable of tilling the ground, although they might be usefully employed in several departments of manufactures. And if they were capable, where should we find a market for the immense surplus of our agricultural products? We might have a useless superfluity of provisions, but we should be deeply in debt for our clothing and other necessary articles. It is evident that a plan of general husbandry would, in the present situation of the United States, if put in execution, be so profitable as to produce a most pernicious relaxation of national industry; because the supply of commodities is always proportionate to the demand occasioned by their consumption, and because the demand for our agricultural commodities abroad being only to a small amount, agriculture must look for its principal market at home; and, consequently, for an extension of that market, it must rely chiefly upon the encouragement of American manufactures.

Adequate protecting duties, at this juncture, would soon create or revive such a number of manufacturing establishments in this country, that ere long their rivalry would probably reduce the price of their fabrics below the present standard of those imported. But, on the other hand, if we now permit our manufactories to be prostrated by neglect, we shall be compelled to purchase from European workshops at an exorbitant advance, and thus reimburse, with excessive usury, the losses they had previously sustained. In vain we might then threaten Europe with competition; she would judge of the future from the past, and our menaces would be despised. Indeed, the mouldering ruins of our deserted manufactories would deter us from the attempt to execute our threats. We should dread lest the reluctant patronage of our Government might be suddenly withdrawn, and we be again exposed to those machinations which foreign merchants and manufacturers are now practising with success.

There are several fabrics which, possibly, for a considerable period, cannot be advantageously made in the United States. The importation and

sale of such would employ a due proportion of merchants, and would be to an amount fully equal to this country's capacity of payment. But we now pay vast sums to other nations for various articles, which, with proper encouragement, we might soon make nearly, perhaps quite, as cheap ourselves. We are willing tributaries to Europe and to Asia. What is the consequence? The precious metals have nearly disappeared, and our circulating medium of trade is a precarious paper currency. For the discharge of the enormous yearly accumulating balances we owe abroad, we have remitted large quantities of our bank stock, and even of the evidence of the debt contracted by our Government with its citizens. We are thus placing not only our property, but even the credit of our country, in the power of foreign nations. It is to be feared that we are rapidly approaching a crisis not less perilous than degrading.

A complaint is sometimes heard that American fabrics were sold at high prices during the recent war with Britain. To this we answer, that, setting aside all the difficulties inseparable from new establishments, those prices were not higher than we paid for imported fabrics of the same quality; and also, that the competition of American fabrics prevented much of that extortion to which, but for them, we must have been subjected. Besides, why censure the manufacturer for obtaining the market price for his commodities, any more than the merchant, planter, and farmer for obtaining it for theirs?

In case of war with any great Power, the necessity of our possessing manufactories, particularly those for arms and clothing, is so obvious as to render comment useless. But these establishments must be previously protected and matured by Government in times of peace, before the emergency which demands them actually arrives.

Had not heavy duties been imposed to encourage our fabrics of leather, fur, wood, iron, &c., there would have been very few of those numerous and useful classes of artisans who are at present engaged in manufacturing these articles in this country. Prodigious sums would have been expended abroad which now circulate at home, enriching large bodies of industrious, valuable citizens, who contribute essentially to the support of many others, as well as to the general wealth and happiness of the community. Proper encouragement would give as powerful a stimulus to several other branches of our manufactures. We might then have a respectable home market and home trade, which, as they would not be endangered by the frequent political and commercial fluctuations of other countries, would, from their security, their permanence, and their amalgamation of the interests of different parts of the United States, be of immense importance in a national point of view. This opinion is corroborated by our rapidly increasing population, which, in conjunction with the progress of our new settlements, has a tendency to incalculably augment the products of our soil, and, of course, to render an extensive and permanent home market indispensable.

Habitations, food, and clothing, are the primary

Protection to American Manufactures.

natural wants of mankind. No nation can be durably powerful that does not itself furnish them all, without recourse to others. We cannot be really independent until we make our own necessary clothing; and the prosecution of this object is also closely connected with the advancement of national morality and industry. In proof of this assertion, we refer to Portugal and Spain. All the South American gold and silver mines of the one, and the Brazilian diamonds of the other, have weighed lightly in the scale against the ruin of their manufactures. The effect produced on Portugal by the Methuen British Treaty, that abrogated the heavy duties once laid on British fabrics, places this subject in the clearest light of moral demonstration.

An evil of great moment—one, of whose extent few appear to be aware—results from the unprotected state of American manufactures, and the consequent influx of foreign woollen and cotton fabrics. This evil is the alarming diminution of our household manufactures, by which very many families formerly supplied themselves with the principal articles of their clothing. These were very durable; they were chiefly made by women and children at leisure hours, when their time would have been otherwise unproductive. Such occupations wonderfully promoted habits of industry and frugality. But, unfortunately, imported woollen and cotton fabrics, flimsy in their texture, but handsomely finished, are sold ostensibly so cheap that great numbers have relinquished their highly beneficial system of household manufacturing, and are now becoming embarrassed by contracting debts for what they could have made better and cheaper for themselves.

Your memorialists would here suggest the expediency of imposing such a per centage upon sales at auction of woollen and cotton goods, and of any other fabrics that in your judgment ought also to be included, (with the exception of property of this description belonging to bankrupts' estates, to deceased persons, or which is sold by execution,) as may in future prevent the severe injuries arising to the regular, fair American dealer, as well as to the American manufacturer, from the various artifices which are successfully practised through the medium of auctions.

Your memorialists conclude by respectfully repeating their earnest request that the honorable Congress of the United States, who are the guardians of the nation's welfare, will subject imported fabrics—more especially those of cotton and wool—to such duties as shall secure to American manufactures that protection which the interests and real independence of our country seem imperatively to require.

PROTECTION TO MANUFACTURES.

[Communicated to the Senate, January 17, 1820.]

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the subscribers, citizens of Pennsylvania, respectfully sheweth: That the pol-

icy hitherto pursued in this country, which has exposed most of our manufacturers, whose productions are excluded from nearly all the markets in Europe, to an unavailing struggle with the manufacturers of all that quarter of the world, and likewise of Hindostan, has been the principal cause of the present calamitous state of affairs, whereby industry, the source and parent of the power, prosperity, and happiness of nations, has been paralyzed; the wealth of our country, which ought to invigorate its agriculture, manufactures, trade, and commerce, been drained to foster the industry and support the governments of foreign nations; a considerable portion of our farmers, manufacturers, merchants, and traders, reduced to, and others tottering on the verge of, bankruptcy; whereby, in a word, a state of decrepitude and decay has been produced, in the short space of three or four years, of which history affords few examples, in the same space of time, during a season of peace, and without any of those great natural calamities which interrupt the happiness of nations.

When your memorialists examine the policy of Europe, (that portion of the globe from whence sound lessons of political economy can be derived,) they find that the system pursued in this country is in direct hostility with that of every wise nation there. All of them sedulously guard the interests of their manufacturers, as one of the main sources of their wealth. They restrain by prohibitory duties, or prevent by absolute prohibitions the importation of such important articles as their own subjects can manufacture.

We are persuaded that sound policy dictates to all legislative bodies, particularly those of young nations, carefully to review the systems pursued in other countries; to trace the welfare of the people on whom they operate; and to shun those which destroy the industry, enfeeble the strength, and impair the resources of the respective nations; and, on the other hand, to adopt, as nearly as may be, such as have fostered their industry, and increased their strength and resources.

The limits of a memorial prevent us from entering into detail on the tariff of different nations. We cannot, however, in justice to the public interest, omit to touch slightly on some of the prominent features of the protecting system pursued in other countries, whose statesmen are certainly not inferior to ours in intellectual attainments, and whose examples and opinions should not be lightly rejected. We shall confine ourselves chiefly to four—Great Britain, France, Austria, and Russia. Other nations, as Prussia, Holland, Denmark, &c., pursue a system marked with similar characteristic features.

Great Britain prohibits, even from her own dependencies, calicoes, manufactures of gold, silver, or metal, laces, ribands, silk goods, &c.; and her protecting duties are so high as, in most cases, to be equivalent to prohibition. The duty on hats is about seven dollars and a half each, and on woollen cloths seven dollars and a half per yard. There are above sixty articles, including manufactures of brass, copper, carriages, thread stockings, clocks,

Protection to American Manufactures.

&c., subject to fifty-nine per cent.; china and earthenware, shawls, &c., pay seventy-nine; cotton manufactures, cotton stockings, caps, thread, and linen sails, pay eighty-five; glass manufactures, generally, one hundred and fourteen; skins or furs, tanned, tawed, or curried, and articles made of leather, or whereof leather is the article of chief value, one hundred and forty-two per cent.

So minute is her attention to this grand point, that linen, when chequered or striped, painted or stained, is subject to one hundred and forty-two per cent. duty, but only to sixty-three when not chequered or striped. The object is to secure to her own subjects the profits of the staining, printing, &c.

Great Britain expended many hundred millions of pounds sterling to replace the Bourbon family on the thrones of France and Spain, and of course had high claims on the gratitude of both monarchs. Yet the paramount duty of justice to his subjects gained the ascendancy over gratitude to his friends, in the councils of Louis XVIII. One of the earliest measures of his administration was the promulgation of a tariff, whereby above two hundred different articles, including all the most important of the British manufactures, and, among the rest, muslins, cambrics, woollen cloths, all articles made of leather, steel, iron, brass, tin, wood, bronze, &c., were totally prohibited.

Let us add that Ferdinand VII., as soon as he ascended the throne of Spain, issued a proclamation, not only forbidding the importation of cotton goods altogether, but ordering those actually in the country to be reshipped within twelve months.

For the policy of Austria on this important subject, we respectfully refer you to a recent British publication—*Rordanes on European Commerce*. It is therein stated that “the importation of all silk, cotton, and woollen manufactures, is forbidden in the whole extent of the Austrian dominions, as it has been hitherto in the ancient Austrian States only.” There are various other prohibitions, unnecessary to be detailed.

The prohibitory system of Russia, a country, like our own, with a vast territory and a very disproportionate population, is carried to an extent far beyond that of any other in the world, except China. It embraces all the great leading articles of manufacture, as cotton, linen, leather, wool, wood, copper, iron, paper, silk, silver plate, glass, and a vast variety of articles of minor importance.

Every reason that exists for prohibitions in those nations, for the purpose of protecting the native manufacturer, and preserving the resources of the country, exists here. And we cannot but lament that the arbitrary Governments of Europe have displayed more attention to the interests of their subjects interested in manufactures than the same description of persons have experienced from their fellow-citizens in Congress. The former are protected, by the strong arm of law, against the competition of every nation whatever; while the latter are exposed to the competition of the whole world, and consequently to ruin. It therefore irresistibly follows, that so far as regards the acqui-

sition of property, and the protection of property acquired, a large portion of this class of citizens are debarred from one of the most substantial advantages of Government. This is a stain on our annals which cannot be regarded without deep regret—a stain which, we respectfully hope, for the honor of our common country, you will speedily obliterate.

Numerous objections have been raised against the protection of manufactures in this country, which we shall freely but respectfully examine.

Among the most prominent is the extortion said to have been practised by the manufacturers during the late war, which has been by many regarded as a complete justification of the refusal of an increase of duties.

We believe this accusation can be fairly disproved, to the satisfaction of every ingenious mind; and we respectfully invite your attention to the subject. We shall state the case of superfine broadcloth, on which the chief reliance has been placed. The reasoning that applies to this article will apply equally to others. Foreign cloths were sold, in 1811, before the war, at eight, nine, and ten dollars per yard. Merino washed wool was then about seventy-five cents per pound. One hundred and fifty thousand pounds of imported merino wool were sold, in the course of that year, by Messrs. Warder and Son, of Philadelphia, to Messrs. Dupont, of Wilmington, and others, for from seventy to eighty cents. On the general establishment of the woollen manufactories, at the close of 1813, merino wool was sold at two dollars and a half to three dollars per pound, as appears by the Philadelphia price current; which also shows that on the 23th of March, 1814, the price was from three to four dollars, at which it continued stationary for the remainder of the year. The highest price of American superfine broadcloth, at that period, averaged from twelve to fourteen dollars. Foreign cloth was generally sold at a higher rate; and, but for the supplies from the American manufactories, would probably have been sold for twenty dollars. Thus, while the farmer, who advanced the raw material from four to five hundred per cent., and the importer, who raised his prices from fifty to two hundred per cent. on the various articles he had for sale, accuse the manufacturer of extortion, the latter did not advance his fabrics more than fifty per cent. on the prices current before the war, notwithstanding the extravagant rise in the price of the raw material, and likewise in wages, owing to the extraordinary demand for workmen, and notwithstanding the enormous expense of the manufacturing establishments, and the advance in the price of almost every article of food and dress.

We hope and believe that this accusation, though so often reiterated, will have no influence on your honorable Houses.

We beg leave, very respectfully, to take another glance at this subject. The cotton planters have for many years raised cotton at an expense of about eight or ten cents per pound, and sold it from twenty to thirty-five. The farmer has likewise raised wheat at an expense of one dollar per bushel,

Protection to American Manufactures.

and frequently sold it from two to three dollars. While they made such exorbitant profits and independent fortunes, unenvied and uncensured by their manufacturing fellow-citizens, it cannot be very correct for them to reproach the latter (a large proportion of whom have been ruined) with extortion, for selling at thirteen or fourteen dollars an article which actually cost them ten or eleven. Let it be observed, that every yard of superfine cloth requires four pounds of merino wool unwashed, or two washed. When the heavy expense of the manufacture, and the interest on the capital invested, are taken into consideration, it will appear that the profits were very far from unreasonable. This accusation, therefore, cannot fail to recall to recollection the parable of the beam and the mote.

But even admitting that the manufacturers had really been guilty, during the war, of tenfold the extortion they are unjustly charged with, it by no means follows that the prosperity of our country should be sacrificed by the suppression of its industry, and the protection of that of foreign nations; or that, therefore, manufactures should not be protected by adequate duties, lest similar extortions should now be practised; for, to avail ourselves of the cogent and irresistible arguments of Alexander Hamilton, the competition between our citizens engaged in those branches would secure the articles to the consumer at a fair price.

"Though it were true that the immediate and certain effect of regulations controlling the competition of foreign with domestic fabrics was an increase of price, it is universally true that the contrary is the ultimate effect with every successful manufacture. When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of persons, it invariably becomes cheaper. Being free from the heavy charges which attend the importation of foreign commodities, it can be afforded cheaper, and accordingly seldom or never fails to be sold cheaper, in process of time, than was the foreign article for which it is a substitute. The internal competition which takes place soon does away every thing like monopoly, and by degrees reduces the price of the article to the minimum of a reasonable profit on the capital employed. This accords with the reason of the thing, and with experience."

Another objection is, that the labor is too high in the United States to afford any chance of competing with foreign manufactures. To this we reply, there are various manufactures so well established as to overcome foreign competition altogether; and it therefore follows that this objection falls to the ground. We might instance a great number, but we confine ourselves to the manufacture of shoes and boots, of which each individual in the United States probably averages a pair and half per annum, amounting to about thirteen millions, which, at one hundred and twenty-five cents per pair, amount to \$16,000,000 per annum. Of these articles, the importation in 1816, as may be seen by reference to the reports of the Secretary of the Treasury, was only forty-two thousand one hundred and eighty-four pairs, and in 1817 only fifty

thousand five hundred and sixty-two. This decides, we trust, the question of high wages forever; for, if the objection were valid, it would apply to the manufacture of shoes and boots with as much force as to any other; and it is worthy of observation, that the duty on men's shoes is only twenty-five, and on children's fifteen cents per pair.

To this we beg leave to add another reply, of at least equal cogency. There are few manufactures, either wholly or chiefly depending on manual labor, which have not succeeded in the United States; whereas our defeat is principally in cottons and woollens, produced almost wholly by machinery, aided by the labor of an over proportion of old women and children. Hence the advantages of our boundless water power, our extraordinary mechanical skill, and the superabundance (in the case of cotton, particularly) of the raw material, are injudiciously sacrificed.

The next objection we shall notice is the alleged demoralizing effects of manufacturing establishments. To refute this, we invite your attention to, and comparison between, two neighborhoods, in one of which manufactures are established, and another remote from such establishments. In the former, there are, as already observed, numbers of aged men and of women and children, usefully employed for themselves, and adding to the mass of the resources and happiness of their country; while, in the latter, a large proportion of persons of this description are doomed to idleness, and its inseparable attendants, vice and guilt. Children in manufacturing establishments are inured to habits of industry, order, and regularity, which generally adhere to them through life.

But we are not left to the guidance of mere hypothesis alone, which, however plausible, is often very fallacious. We have the strong basis of fact to rest on. There is no country in Christendom where manufactures have been carried to a greater extent than in England proper; therefore, in no other country could the experiment be more accurately made; and there the question has been fairly decided. Colquhoun, a most indefatigable and accurate statistical writer, after a full survey of the pauperism and crimes of that country, informs us that the agricultural very far exceed the manufacturing counties in both those stains upon human nature. From this authority there can hardly be any appeal.

It is asserted that it would be a pernicious policy to entice away capital and labor from agriculture to workshops. This apprehension is wholly groundless. Farmers or planters rarely transform themselves into manufacturers. There is in this country a vast amount of capital, for which the owners cannot, in the present deranged state of our affairs, find any employment. But were there any assurance of adequate protection to manufactures, it would be immediately directed towards those objects. There are likewise great numbers of persons, skilled in the cotton and woollen branches, who are destitute of employment, and who could abundantly supply the demands of the United States, were they duly encouraged. We have al-

Protection to American Manufactures.

ready, stated that the greater proportion of the labor is performed by old men, women, and children; let us add, that were those branches in such a flourishing state as to hold out inducements to emigrants, we should have constant accessions to our population of persons skilled in them, many of whom would bring with them large capitals, equal to our utmost wants, without drawing away any portion of the capital or labor engaged in husbandry.

The danger of encouraging smuggling is regarded, by many of our citizens, as an insurmountable objection to protecting or prohibitory duties.

This will be found to disappear, like the rest, when fairly submitted to examination. For, suppose it were necessary to raise the duties on woollens and high-priced cottons to thirty-five, forty, forty-five, or even fifty per cent.; we appeal to the candor of your honorable Houses, whether the objection to any of these duties on cambrics, muslins, and broadcloths, on the ground of the danger of smuggling, can be admitted for a moment, when it is considered that gin is subject to a duty of one hundred and twenty-four per cent.; rum, to eighty-six; brandy, to ninety-six; cheese, to seventy; souchong tea, to from seventy to one hundred and twenty; manufactured tobacco, to fifty; and wines, to fifty and sixty. We shall only add, that it is indubitably as easy to smuggle a pipe of wine, a chest of tea, a cask of rum or tobacco, as a trunk of muslins or cambrics, or a bale of broadcloth.

Another objection is against the injustice of taxing the many for the benefit of the few. This assumes the groundless position, that permanent protection of manufactures would necessarily produce permanent high prices; which is refuted by the luminous maxim quoted above from Alexander Hamilton. But even admitting this maxim to be incorrect, the objection may be answered fully in another mode. If one part of the community is not to be taxed for the benefit of another, why, we respectfully ask, is gin dutied at 124 per cent. for the protection of the peach brandy and whiskey of the farmer, and cheese at 70 per cent.? Why is the coasting trade secured to our merchants, by which foreign competition is wholly excluded? And why, we ask, are "the many taxed for the benefit of the few," by the enormous expenses of a navy, foreign embassies, &c., for the protection of commerce?

The protection of manufactures is strongly objected to on account of its interference with commerce. But omitting all considerations arising from the general distress produced by the existing system, we ask, have we at present, or are we likely to have, any commerce, to which it is right or proper to offer up as a sacrifice the welfare and happiness of the useful and productive body of men engaged in manufactures? Such is the prostrate state of our commerce, which unfortunately, depends in a great measure for its success on European wars and famines, that there are few articles that can be imported, and as few that can be exported, without loss.

But even admitting for a moment that our commerce was not so highly disadvantageous as it is,

and that the encouragement of manufactures would somewhat interfere with it, we cannot thence infer that it would not be amply indemnified. In fact, far from suffering, it would gain by the arrangement; for the diminution of the number of merchants, by a portion of them withdrawing to manufactures, would render the profession profitable to those who remained. It is obvious, even to a superficial observer, that the mercantile profession in this country has almost always been greatly overdone; and that an inevitable consequence of the superfluous number of merchants has been to raise the markets of our produce at home, and depress them abroad, not only to the injury and frequent ruin of the merchants, but to the injury of the nation. Hence it is more than probable that our commerce, in which for twenty years more than half of those who pursued it have been ruined, would have insured independence and happiness to two-thirds of the number, had the residue transferred their talents, their industry, and their capital to manufactures.

Another consideration deserves attention. The encouragement of manufactures would open new channels of commerce, by the importation of raw materials from abroad, and by the increase of the coasting trade, in transporting the manufactures of the Middle and Eastern States to the Southern, and the cotton and other raw materials of the latter to the workshops of their fellow-citizens. Even of late years, the tonnage employed in the transportation of raw materials to the port of Philadelphia, has exceeded that employed in the transportation of piece goods.

To foster and cherish national industry, the paramount duty and the characteristic feature of good government, most of the nations of Europe either wholly prohibit, or impose high duties on, the exportation of raw materials. We are probably the only civilized people, who, possessing to an immense extent one of the most valuable raw materials in the world, not only send it abroad to distant nations wholly free of duty, but receive it back in a manufactured state, at an advance of from one hundred to two thousand per cent. It would not be more unreasonable to export our wheat to have it ground, and purchase it again in the form of flour, than to sell raw cotton and receive it back manufactured; as the advance on the flour would hardly ever amount to a third part of the advance on cambrics and muslins.

We respectfully state to your honorable Houses, that such is the wonderful increase in the value of cambrics and muslins, beyond the price of the raw material, that the labor of 100,000 cotton manufacturers, aided by machinery, would pay for the amount of the greatest export of the productions of the United States, in any one year since the declaration of independence. This fact, which, if you require it, shall be proved at the bars of your Houses by the most unexceptionable testimony, is the more extraordinary and lamentable, as the high rate of wages here has been, as we have said, among the objections raised to manufactures; whereas it appears that we exchange the produce of the labor of ten, twenty, or thirty of our

Protection to American Manufactures.

citizens, for that of one foreign manufacturer. Another objection arises from the supposed danger of impairing the revenue. We respectfully represent to you, that, in the scale of reason and justice, this objection does not appear entitled to as much importance as is attached to it. The expenses of the Government must be borne; the interest of the debt must be paid, and the debt itself gradually extinguished. But these objects can be effectually accomplished without any sacrifice of the national industry; for if low priced cottons and woollens, such as we can ourselves abundantly supply, were wholly prohibited, and the duties increased on those of greater value, the revenue would probably be indemnified, by the gain in the one case for the loss in the other. The same observation applies to most other articles which require protection.

But we beg leave further to represent to your honorable Houses, that the policy pursued, so highly injurious to the national resources and industry, has not been advantageous to, but may ultimately injure the revenue; for the general distress, and the decay of trade and commerce, resulting from the drain of specie, to pay for the extravagant and ruinous importations of foreign goods, have produced such a disability of purchase at present, that the importations of the ensuing twelve or eighteen months, and consequently the duties, will fall very far short of those of former years; and thus the future deficit will probably more than countervail the past excess.

But should the system of protection impair the revenue, it would be only in a slight degree, and merely affect the question of the period of the ultimate redemption of the public debt, which may in consequence be somewhat protracted. When the alternative is between this effect on the one hand, and a continuance of the existing state of things on the other, we trust there can, in an enlightened body, be no difficulty in the decision. It would be unsound policy in a merchant to anticipate the payment of his debts so rapidly as to deprive himself of the means of carrying on his commerce; and it is equally unsound for a nation unnecessarily to press forward the payment of its debts with such rapidity as to exhaust its resources.

Among the reasons that alienated the affections of America, in its colonial state, from the parent country, a very powerful one was the restraints imposed on its manufacturing industry. These were the subjects of loud and unceasing complaints. And we respectfully ask you, whether the consequences to the nation and to individuals are not as fatal, when our industry is torn up by the roots through the means of a tariff fatally inadequate to protect it, as by an arbitrary edict? Does it administer any comfort to the hundreds of useful citizens who invested large capitals in those valuable manufacturing establishments spread throughout the country, whose ruins bear the strongest testimony against the policy we pursue; or to the tens of thousands of workmen reduced to mendicancy, many of them with large families, that their sufferings have not proceeded from the mandates of

a privy council, but from the erroneous policy of their fellow-citizens?

The policy of this country has been in a great degree predicated on the specious idea of Adam Smith, "to buy goods where they can be had the cheapest." It has had a fair trial, and its pernicious tendency has been clearly demonstrated. We buy cotton, wool, and muslins in Hindostan; cambrics, muslins, and broadcloths, in France and England, because we can purchase them cheaper there than at home; and there is good reason to believe that we shall have large importations of "cheap" wheat from Odessa. This system has caused a large portion of the existing distress. But of what avail is it that every species of goods and merchandise, and even most of the necessities of life, are "cheap," when the means of purchase are far more reduced with almost every class, and with some have nearly disappeared? The owner of houses, who was in the receipt of two or three thousand dollars per annum, and whose rents have fallen one-third or one-half; the storekeeper, who made a comfortable support for his family, and whose business is almost wholly suspended; the great body of our Western farmers, whose breadstuffs are excluded from those European markets whence their supplies of "cheap goods" have been drawn, and whose industry has thus received a vital stroke; the workman who earned six, eight, or ten dollars per week, and who is now destitute of employment; and every other class of the community now enduring more or less distress, derive little consolation in their difficulties and embarrassments from the consideration that they have bought, and can buy, foreign articles cheaper than domestic. We are persuaded, had the latter been twice as dear as the former, (the difference of price, however, has generally been insignificant,) that recent events prove it would have been sound policy to give the preference to the productions of our fellow-citizens.

We beg leave to correct an error of considerable importance. We said that "every class of the community was suffering more or less distress." There is one striking exception. Great capitalists find a golden harvest in these times. They can add farm to farm, house to house, ship to ship, and stocks to stocks, at their pleasure, to the ruin of the productive classes, who have been always regarded as the most valuable portion of society, and whom it has been the policy of all wise Governments to foster and cherish. The present state of affairs is wonderfully calculated to enrich the wealthy extravagantly; to impoverish and reduce to distress those who have heretofore furnished employment and the means of procuring a comfortable subsistence to thousands and tens of thousands of useful citizens, which they are now unable to afford; and not only to deprive the latter of the means of supporting themselves and families, but perhaps to drive many of them to desperate courses, as so frequently occurs in all countries in times of distress and difficulty. A capitalist with half a million of dollars could now purchase property which one year since would have sold for one million and a half, and which in one or two years hence,

Protection to American Manufactures.

when the present calamitous state of affairs, sub-sides, may realize the same sum. This is the poisonous fruit of the upas tree, of "buying cheap goods abroad."

We hope it will appear, on such an enlarged and liberal view of the subject as ought to be bestowed on it by a legislative body, fairly chosen, in a free country, that the advantages held out to farmers and planters from purchasing foreign goods cheap, however specious and plausible they may have appeared, are wholly illusory. The great mass of those descriptions of citizens purchase so few foreign manufactured goods, which alone are to be taken into view in deciding this question, that the utmost saving that can be made on them is insignificant compared with the solid advantages of securing a permanent home market for their productions. The average consumption of foreign manufactures by the citizens of the United States is not four dollars per head. Let us suppose every species of foreign goods to be twenty-five per cent. cheaper than domestic: in this case, the saving, by preferring the former, would be only one dollar per head throughout the Union. Let us respectfully call your attention, on the other hand, to the severe loss incurred by the sacrifice of domestic industry. This will enable you to form a correct decision on this important subject. The reduction in the price of cotton from thirty to eighteen cents per pound, is thirty-six dollars on a single bale; and the reduction in the value of the wheat produced by a single acre of land, suppose twenty bushels, by a fall from two dollars and fifty cents to one dollar and a quarter per bushel, is twenty-five dollars. And it will not admit of a doubt, that had the protection of our cotton establishments provided a home market for that important staple, the price, from the steady and increasing demand, would probably have remained stationary; at all events, it would never have experienced so rapid and so ruinous a reduction. Moreover, so far as regards the farmer, it is highly probable that a due protection of manufactures would, in a few years, as already observed, attract to this country so many foreign artists and manufacturers as would consume nearly as much of the necessaries of life as are now exported abroad.

Dearly, therefore, have they paid the forfeit for adopting the maxim of "purchasing where goods could be had the cheapest;" a maxim rejected in practice, as we have stated, by every wise nation in Europe, and acted upon only by Spain, Portugal, and the United States.

On a review of the proceedings of the fourteenth Congress, your memorialists find that the present calamitous state of affairs was clearly exhibited to their view as early as February, 1816. What was then prophecy, has, alas! fatally become history.

The Committee of Commerce and Manufactures, in a most excellent and eloquent report of the above date, ask:

"Do not the suggestions of wisdom plainly show that the security, the peace, and the happiness of this nation depend on opening and enlarging all our resources, and drawing from them whatever

shall be required for public use or private accommodation?"

"The committee consider the situation of the manufacturing establishments to be perilous.—Some have decreased, and others have suspended business. A liberal encouragement will put them again into operation, with increased powers. But should it be withheld, they will be prostrated. Thousands will be reduced to want and wretchedness. A capital of nearly sixty millions of dollars will become inactive, a greater part of which will become a dead loss to the manufacturers. Our providence may lead to fatal consequences. The Powers jealous of our growth and prosperity will acquire the resources and strength which this Government neglects to improve. It requires no prophet to foretell what use foreign Powers will make of them."

It cannot be sufficiently lamented that these sage admonitions were unavailing. The tariff, on the most important manufactured articles, was fixed so low, that it required but little sagacity to foresee the ruin of the manufacturers, and the consequent impoverishment of the country.

Your memorialists respectfully state, that they further find that the manufacturers, while numbers of them were sinking victims of, and all of them suffering by, the overwhelming competition of foreign rivals, explicitly stated their sufferings and dangers to their fellow-citizens in Congress, each succeeding session, respectfully and earnestly soliciting that protection which they alone had the power, and which it was their imperious duty to bestow. It is painful to your memorialists to state, (but candor requires they should state,) that those applications were disregarded; that the applicants were left to fall victims in an unequal struggle; in which long established manufactures, immense capital, great credit, and Governmental protection were arrayed on one side, and on the other infant establishments, exhausted capital, slender credit, and a tariff utterly inadequate for protection. The memorials from Rhode Island, Pittsburg, Baltimore, and Oneida county, are masterpieces of eloquence, admirably calculated to excite the sympathy and to command the aid of the Legislatures to which, unhappily, they were in vain addressed.

Although this memorial has already extended to a great length, we cannot close it without placing the subject in another important point of view, deserving of your most serious consideration.

The establishment of manufactures on a respectable scale in any town or village is of transcendent benefit to the agricultural interest, as they immediately enhance the value of the lands in the neighborhood from one to five hundred per cent. Independent of the advantage already glanced at, of a steady home market for his wheat, flour, corn, rye, &c., the farmer has "a certain demand for his cabbages, peas, turnips, and other garden stuffs, and fuel, which are too perishable for foreign markets, or not worth the expense of transportation." And this is not mere theory. There are two strong cases in point. The establishment of the manufactories at Brandywine and Pittsburg enhanced

Remonstrance against an increase of Duties on Imports.

the value of the neighboring lands in the ratio above stated, and wonderfully increased the prosperity and comforts of the circumjacent farmers. The same effect has been produced in other parts of the Union; and it would be everywhere produced, in a greater or less degree, by the same cause. And, moreover, the sons and daughters of the farmers and country laborers, a large portion of whose time is at present entirely wasted, would have a source of profitable employment, to add to the comforts and the happiness of their parents.

We therefore pray that, taking the premises fully into consideration, you will be pleased to revise the tariff in such a mode as to revive our drooping manufactures, and afford effectual protection to the national industry.

PETER S. DUPONCEAU,
And others.

REMONSTRANCE AGAINST AN INCREASE OF DUTIES ON IMPORTS.

[Communicated to the House, January 17, 1820.]

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the United Agricultural Society of Virginia in general meeting of their delegates—

From the Agricultural Society of Prince George's— Thomas Cocke, Edmund Raffin.

From the Agricultural Society of Sussex— John Edmunds, George Blow, William F. Raffin, William I. Cocke.

From the Agricultural Society of Surry— Nicholas Faulcon, Charles H. Graves, Richard Cocke.

From the Agricultural Society of Petersburg— John Pegram, Roger A. Jones.

From the Agricultural Society of Brunswick— Theophilus Field, John Jones, and Henry Lewis.

Your memorialists present themselves to your honorable Houses, as a portion of the independent agriculturists of Virginia. In that character, we design not to harass our Representatives with high-wrought pictures of distress which their wisdom could not have anticipated, and cannot remove; neither can we bring ourselves to detail, in the language of complaint, much less of reproach, those evils which we endure in common, not only with every class and denomination of our fellow-citizens, but with almost every rank, and description of civilized man. We solicit not the fostering care and patronage of the Legislature to alleviate, by bounties, monopolies, or protecting duties, calamities in their nature as inevitable as they are incurable by legislative interposition, because resulting from a combination of circumstances over which our Legislature can exercise no control. War is an unnatural and calamitous state; its evils must be felt sooner or later, and not less severely by being deferred. The transition from war to peace was sudden, and found us, like the rest of the world, unprepared. But we can bear patiently the penalty of our own improvidence, convinced that our distresses will be but temporary,

and recollecting that they were preceded by twenty years of almost uninterrupted prosperity. In this frame of mind, which we recommend to the imitation of our more discontented brethren, we have only to solicit, respectfully but earnestly, from your wisdom and experience, that we be left to ourselves to disembarass our own affairs by active industry and strict economy, instead of being placed at the mercy of interested individuals, who would flatter us with relief by abridging our comforts, increasing our expense, and diverting to their own pockets that portion of the produce of our labor which, differently applied, might serve to extricate us from our present difficulties. The undefined projects and extravagant claims of the manufacturing associations, collected from their circulars, reports of committees, and other publications, could alone lead us to apprehend that we may not be left to this repose which we so earnestly solicit, and which the difficulties of our present situation so imperiously demand. We have always suspected the policy of forcing any branch of trade or manufacture by bounties, monopolies, or protecting duties; but, without entering into the discussion of the general question, we would respectfully suggest that no period more unfavorable than the present could be selected for the commencement of an experimental course of political economy, beginning with the taxation of the many for the emolument of the few. When we consider the taxes already imposed on foreign manufactures, (averaging, perhaps, twenty-five per cent.,) and estimate the amount of freight, double commissions, insurances, and various smaller charges incident to shipping and transporting to this country the products of the foreign artisan, a moderate calculation will give to the American manufacturer an advantage of forty per cent. If, to this immense advantage over the European competitor, we add the cheap terms on which the chief necessities of life—meat, bread, and fuel—can be procured; the abundance in which the raw materials are produced; our happy exemption from the whole of that frightful catalogue of oppressive taxes, which, barely to read, makes the American citizen shudder, but under the continually accumulating weight of which the foreign artisan must labor; and still further, on the authority of the advocates of protecting duties, a considerable capital unemployed, and numerous laborers starving in idleness, and you exhibit a series of advantages on the side of the American manufacturer which would seem to put competition in our own market entirely out of the question. If, with such overwhelming odds in his favor, the American declines to compete with the foreign manufacturer, we must conclude either that capital is wanting to fit him out for the trial, or he scorns the consideration of such profits as would satisfy his opponent. If the former conclusion be true, it demonstrates the impropriety of attempting at this time to force manufactures by law; for, as capital is essentially necessary, and cannot be forced by law, we had better await its slow growth, from the gradual operation of the usual causes; and whenever it arrives at sufficient maturity, manufactures will follow without force. But if,

Remonstrance against an increase of Duties on Imports.

on the other hand, our manufacturers are so impatient to enrich themselves as to disdain the gradual accumulation of moderate profits, we submit respectfully to your wisdom the impolicy of subjecting so large a portion of your fellow-citizens to such unreasonable cupidity—of laying them at the mercy of an association who (competition being removed) will no longer consider the intrinsic value of an article, or what price would afford a fair profit to the manufacturer, but how much the necessities of the consumer would enable them to extort. Of this spirit, we had a sufficient specimen during our late war with Great Britain.

In reply to these arguments, we are told that many manufacturing establishments have been ruined for want of protecting duties. We doubt not the fact of ruin; but we more than doubt the cause assigned for it. We strongly suspect that, on a fair investigation, most of the failures may be accounted for very differently. For instance: 1st. By embarking in business on fictitious capitals; the sudden recall of which left the adventurers, as they originally were, without funds. 2d. Engaging in speculations unconnected with their factories, and, by the failure of these, ruining their establishments. 3d. From the impatience of growing rich, by the gradual accumulation of moderate gains, stimulating them to attempt establishments and projects beyond their means. Few, we believe, of those who commenced with real capitals, and pursued their business prudently, have failed to improve their fortunes. The greater part of this description of persons acknowledge, with honest candor, that they are sufficiently protected. But, as we have forced none of our fellow-citizens to embark their capitals in the precarious speculation of establishing manufactures—perhaps before their time; nay, as they have voluntarily involved themselves in ruinous projects not from patriotic motives, but views purely selfish, and founded on the fallacious prospect of a protracted war, we see no reason why they should call upon us to restate them by a heavy sacrifice, and this, too, at a time when it is with the utmost difficulty any of us can fulfil our own personal engagements, and many are reduced to the necessity of sacrificing their property to satisfy their creditors. Under these circumstances, we hope that your honorable Houses will not deem unreasonable our respectful remonstrance against any increase of burden beyond the necessary expenses of our Government.

One favorite argument insisted on by the manufacturers is so offensive a libel on the great body of the American people, that indignation will not suffer us to pass it unnoticed; to wit, that the establishment of home manufactures is necessary to keep the people firm to their duty in time of war. Thus, more than insinuating that the millions of independent high-minded agriculturists who people our extensive territory, constituting at once the pride and the strength of the nation, are to be taught the value of independence, and the necessity of self-defence, by the operations of an inconsiderable number of manufacturers scattered through the country.

In every nation, with whose internal affairs we

are familiarly acquainted, the landed interest has been proverbial for liberality, in comparison with any other class; and we proudly believe the day will never arrive when the American yeoman will not suffer himself patiently to be shorn to the quick in defence of the independence or honor of his country; while, if "you but touch a bristle of the manufacturing interest, the whole sty is in an uproar." We wish not to be placed under such protections, especially when their projects for safety are accompanied by the expression of the alarming sentiment, that they consider the election of a President, a Governor, or a Representative of the people, as uninteresting in comparison with a question on the fabrication of druggets, calico, and penknives.

The specious vision of supplying all our own wants by our own labor, and thus being enabled to isolate ourselves from the other members of the human family, we look upon as a mere phantom, conjured up for the purpose of luring us into a prohibitory system. Could such a vision be realized, we would deprecate its influence as equally hostile to the advance of science and the duration of liberty. We do not envy the condition of the Chinese, the only people completely abandoned to this chimera; amongst whom science has been retrograde for a thousand years, the whole energies of the human mind reduced to the servile talent of imitation, and man degraded to a state of abject grovelling slavery. Compare the timid slave creeping through shallows in his clumsy junk, with the American seaman "among the tumbling mountains of ice of the arctic circle, penetrating to the antipodes, and engaged under the frozen serpent of the South." "Yet we know that he has not been squeezed into this hardy form, or inhaled this daring spirit from the constraints of a watchful and suspicious Government, but that, through a wise and salutary neglect, a generous nature has been suffered to take its own way to perfection. We are firmly persuaded that the best interests of men and of nations are promoted by free and extensive intercourse one with another. The great object of nations ought to be, to procure the greatest possible quantity of produce with the least possible expenditure of labor and of capital. This can be effected only by permitting the people to purchase such articles as they can buy cheaper than they can fabricate. Thus would be produced a most unrestricted state of commerce, permitting every country to employ its capital and industry to the greatest advantage, in devoting them to pursuits adapted to the soil and climate of each, and consonant with the genius of their respective inhabitants.

For these, and other considerations equally cogent, your memorialists feel themselves constrained to remonstrate against the pretensions of the manufacturing interest, as of a highly dangerous tendency, whether considered with respect to their influence on our Government, by establishing the precedent of investing one class with peculiar privileges and immunities at the expense of the rest—a measure pregnant with the most fearful consequences, being as inconsistent with the prin-

Protection to Paper Manufacturers.

ciples of justice as incompatible with the spirit of our free Constitution; their tendency to demoralize our people, by the introduction of smuggling—an evil inseparable from high protecting duties, and one from which the united navies of Europe and America could not guard a coast as extensive as ours; or their effect on our revenue, already diminished by protecting duties, without producing any corresponding energy on the part of our manufacturers, and which, if further diminished by an increase of tariff, and by diverting capital from the purchase of public lands, must necessarily call for a system of internal taxation; in the present state of our affairs, productive of incalculable distress. Commerce must decline under such a system; with its decline our seamen must diminish; and our gallant Navy, after achieving more than our fondest hopes could anticipate, dwindle into insignificance. This sacrifice, too, we are called upon to make, that our manufacturers may be enabled to furnish us with cottons and woollens fifty per cent. higher than we could procure them in a foreign market.

With this view of the subject, your memorialists pray that no further protection be granted to manufactures, excepting such as in your wisdom you deem essential for national defence; and that the existing duties be so reduced, as to produce the greatest possible revenue. And we revert to our original prayer, to be left to ourselves to disembarass our own affairs, without being called on to repair the losses of any other class, still less to advance them to wealth and power at the expense of the best interests of the American people.

JOHN PEGRAM,
President of the Delegation.

EDMUND RAFFIN, *Secretary.*

PROTECTION TO MANUFACTURERS OF PAPER.

[Communicated to the Senate, January 18, 1820.]
To the Senate and House of Representatives of the United States in Congress assembled.

The memorial of the Society of Paper Makers of the States of Pennsylvania and Delaware, respectfully sheweth, that at a time when the economy of the United States, in all its various branches of manufacture, presses itself upon the public attention by the extreme injury it sustains, your memorialists are impelled, by the deplorable state of that which they particularly represent, to ask for the patronage and assistance of the National Legislature.

Your memorialists believe there are some peculiar features in this manufacture which, if known, will entitle it to the attention of Congress. And they hope to be allowed to mention some general facts respecting the American manufactures which are needful to a full view of their own.

Your memorialists represent a manufacture which arose in these States at an early period of the settlement of the country—about the year 1730; and, being produced from the domestic

saving of a raw material which offered no interference to agriculture or commerce, they conceive has always been so much gained in favor of its economy and industry. The arts depending upon it render it necessary to almost every branch of improvement, as the printing of books, maps, charts, prints, newspapers, &c., which materially promote the extension of knowledge, the advancement of education, and the various purposes of the State.

In an object of such extensive consumption, we cannot avoid bringing into view the amount which must have been saved to the nation for a period of one hundred years by the use of a domestic material which must otherwise have been lost; and by the employment of the youth of both sexes in a manufacture which has been more productive than even agriculture itself; the importation of which would have required the country to pay large sums annually for the refuse materials and industry of foreign nations instead of its own.

The paper, in common with several of our manufactures, was protected previous to the Revolution by the general effect of the English laws in favor of its national industry; for, although they offered no encouragement to us to come into competition with manufactures abroad, they secured from general interference the benefit of our home market.

These domestic establishments were of great importance during the Revolution, when the importations ceased. The security arising from the war contributed much to their improvement, and continued after the peace of 1783, in consequence of the limited intercourse with Europe. During the long period of the European war many of our manufactures were preserved by the interruption to those of the Continent, and the heavy charges of shipment; so that from their first origin until the late treaty they experienced a virtual protection, and were prevented from being exposed to ruin by the effect of the laws made by foreign Governments to promote their commerce and the extension of their trade.

After this time an unlimited intercourse took place with distant nations, without regard to the important effects it would produce upon our domestic arrangements and economy; and it was not foreseen that when the policy of every nation of Europe prevented a use to us of their markets whenever our products come into collision with theirs, we were at all times exposed to an introduction of their manufactured articles, not for our regular wants, but as a vent for such goods as they might have in excess. This had an effect to paralyze the internal industry of the country in a manner never before experienced since its settlement; and it has placed us in the situation of several of the countries of Europe whose manufactures had become superseded by those of a rival nation which had acted under the patronage and encouragement of its own Government. This, without affording a regular supply, eventually creates dependence for necessities abroad, by the destruction of the productive objects of national wealth.

Your memorialists beg leave to represent that

Protection to Paper Manufacturers.

an effect of this kind is easily produced; for as manufactures become organized, the raw materials of the country are always enhanced by competition, and the prices of goods reduced so that they yield little more than a bare living; the economy of business then affording its chief emolument. Of course, an interference in the home market produces ruin to the regular establishments, by taking away the sale of the goods; creates in their place similar ones abroad, to supply the country; and subjects it in future to pay advantageous if not exorbitant prices, without affording a value to the raw materials of the country, or furnishing its labor.

It appears from the conduct of the nations surrounding us that this effect has been well understood, and they have found that the employment of the people in manufactures, with the aid of machinery, gives the means of buying from neighboring agricultural nations more agricultural products than the same number of people could raise on their own soil at home, and that the difference is again in favor of their national wealth. From this principle they have confined the people to the consumption of the manufactured products of the nation, in preference to buying those of a foreign one, even at a lower price; because the payment takes out of the country the full manufactured price, including both cost and profit; whereas, if the articles are made at home, the country receives all the profit of manufacture, which is so much added to its national stock; and though the consumer may pay something more for the domestic articles he may use in consequence of protecting duties, yet as these will not amount to the profit on the manufacture of the goods, the difference gained to the country is in favor of its improvement; and it is more than made up to the consumer in the benefit derived either in raising the materials, the employment of the people, the increase of industry, the benefit to agriculture, the circulation of money, or in the full use of all the natural advantages of the country.

While the introduction of manufactures prevents this injurious exchange, their establishment at home must increase a population to consume the product to great advantage.

The local situations for mills and factories occupy but little land fit for cultivation, and afford a market to the farmer, at his own door, for the articles of the easiest and most profitable description, which could not bear the expense of carriage; they give an immediate value to his property, to be paid in barter for his demands upon the manufacturer. The raw material, whether it be wool, iron, rags, leather, or wood, or the many wants a population requires, are new objects free from the expense of the labor of carriage, which takes place in transporting them to an uncertain sale in a distant market.

Your memorialists refer the application of these general remarks to their business. This has yielded from the factories within forty miles of Philadelphia a manufactured amount of eight hundred thousand dollars, a year, by which it has employed nine hundred and fifty persons, half of them wo-

men and children. This gives a product of near one thousand dollars per head per year, the material in this case being a clear gain. It is, therefore, a far greater amount than could possibly be obtained by the employment of the same people on the land. Now, as the nation would have to pay this amount for paper from abroad, it would have to send abroad the produce of at least four thousand people, employed upon the land to obtain it, even were the prices not raised in consequence of our dependence upon them.

The rising establishments of the country have suffered from the effect of the system pursued; and we believe, if they had been timely guarded in the manner they have been abroad, so as to take the advantage of their prosperity, they would have preserved their standing, and have been now a great support to the nation, to its agriculture, and to the Government.

A view of the progress of the manufacture abroad will give us an illustration of the principle.

"The art of making paper was brought from China into Persia in the seventh century, introduced into Spain, by the Arabs, the eighth or tenth; it passed into France and into Germany in 1312, and last of all into England, in 1320 and 1342."*

"Before the year 1690, there was scarcely any other kind of paper made in England but the coarse brown sort; but the war with France coming on, occasioning duties on foreign paper, the French Protestant refugees settled in England chiefly, and the English artificers also, began to make white writing and printing papers, which were brought to so great a perfection for beauty and elegance, as to supersede the importations of the continental papers into the British dominions. These, it was said, saved a remittance to France alone of one hundred thousand pounds sterling annually; and the country became able, in addition to the supply of its own wants, to export large amounts of papers to foreign markets, which had previously been supplied from the Continent."†

The protection which the manufactures have since received in England, added to the scientific skill of the people, has carried it to a higher degree of perfection than any other nation of Europe, so that they have had a general preference and afford one of her advantages of obtaining the products of other nations by the employment of her people.

The duty on papers taken into England has remained for a long time, by the tariff, at nineteen pence sterling per pound, and a drawback of three pence per pound is allowed on the export of her own paper, which is equal to the excise laid on that consumed at home; so that it appears the advantages derived from the employment of the people have not been retarded, even when in competition with the revenue.

But we have had to contend alike against the manufactures of England and those of the Continent; for while the improvements in this country

* Edinburgh Encyclopedia, article "paper."

† Rees's Encyclopedia, article "paper."

Protection to Paper Manufacturers.

required us to make paper of a superior quality, to compare with the English paper, we have had to do it under a competition with the prices of the low qualities of the papers from France, Spain, and Italy; which being excluded from England, were sent here, and obtained a sale from their cheapness, when their quality would not have commanded it.

We have been thus exposed to the collision of the interests of different nations from which their own laws severally protected them at home, and in one of which the export has been even promoted by a bounty. This would never have taken effect but among ourselves, and it affords at once a striking instance of the means used to export their surplus products, and to contend with each other for the advantage of a distant market. Nor have the various objects of the country been promoted by this competition.

The revenue obtained has not been considerable; for although large quantities of low priced paper, from France, Spain, and Italy, have been imported, so as to prevent the demands upon our factories, and to anticipate the consumption of the country very greatly, they have come in as objects of speculation, charged low to yield very little *ad valorem* duty; the collusion of duties being a leading motive for importing them.

Our commerce has not received much benefit, for papers which have been brought from the south of Europe have not given near so great an employ to our vessels as the same amount of capital invested in rags from thence would have done, if our paper manufacturers at home had been protected; for in this case the import of the manufactured paper would have been superseded by the rags, which would have been a great object of commercial attention.

Nor have our internal demands been usefully supplied. Paper is not only consumed for writing, but for books, maps, newspapers, prints, &c.; respectively requiring a particular style for the various orders, which these European papers could not meet, nor would have been used except from an extreme reduction of price; and they have in a measure retarded the advancement in our arts. When we place these considerations with that of their coming in direct interference with the whole system of our domestic industry and produce, the sacrifice of our improvement and labor with that of the very great expenditures and investments of mills, materials, and people, and every spirit of ambition to bring this business as an object under the security of a home market, we may fairly state the loss sustained not only to have been private but national.

Your memorialists, therefore, beg leave to call the attention of your honorable body to interpose for our relief.

We possess fully the means to supply the consumption of the United States with paper, the domestic saving of our own soil, which would otherwise be lost to the community, of a quality equal to that of any other country on earth, entirely adapted to every demand of use or elegance. That in a state of fair trade we will be able to ex-

port a considerable excess of manufactured paper to South America, and many other countries where the arts have not advanced as far as here. That, therefore, all foreign supply is not only unnecessary, but injurious. That it has offered not a fair rivalry, but to give overwhelming quantities of paper upon us, ordered upon speculation, and sold at auction, which has drawn off our wealth, and operated to the discouragement of the emulation and industry which would have arisen by the employment of our capitals at home.

The establishments which have been long in operation have afforded the public every advantage of competition, which has reduced the price of paper to the consumer as low as anywhere in the world; and were it even to advance, would tend to an improvement of the arts, and place them more on a footing with England and other nations, where printing, engraving, and other branches of science, tending to public education and improvement, are objects of national encouragement, from which the people derive so pre-eminent an advantage.

The district we represent offers, we think, a comparative view of the state of this manufacture in the country at large. In this there are erected seventy paper mills, which were in full operation until the importations after the late war; in these there were ninety-five paper vats, with a cost of establishments of about half a million of dollars, employing nine hundred and fifty persons at annual wages of two hundred and seventeen thousand dollars, consuming annually 2,600 tons of rags, value \$260,000, and producing about \$800,000 worth of paper a year; and from the causes we have mentioned we find now that there remain but seventeen vats at work, whose annual amount of wages is \$45,000, and production \$136,000; leaving unemployed seven hundred and seventy-five persons to seek other means of living, with a loss to the community of 2,128 tons of rags unconsumed, which would have produced a saving of \$212,000 in raw materials, and a manufactured amount of \$624,000.

Your memorialists cannot but state that the ruinous effects produced, as we have represented, would be as severely felt by the Government as ourselves, should it be found needful to rely upon national industry for support; and we cannot but bring into view the aid derived from the paper establishments, and the amount of the internal taxes collected during the war, when they were an availing source of income.

In this district, the mills then in active operation paid, at an average, two hundred dollars to two hundred and fifty annually, per vat; yielding together a revenue of twenty to twenty-five thousand dollars, when importations afforded none; and we conceive the Government may form an estimate of the loss to the country from that which the revenue would suffer between the income derived from ninety-five vats in full employ, and the aid afforded by the security of our home market, contrasted with that which would now accrue from seventeen vats existing under the depression from filling our market with the produce of foreign nations,

Protection to Printers of Books.

which has shut up seventy-eight vats, left our employers and workpeople embarrassed and dispirited, while we have given our resources, the natural basis of our own support, toward the establishment of business, and the creation of revenues in the hands of nations who are the rivals of the country in its domestic as well as political advantages.

Your memorialists believe they have given a candid statement of the facts which they have brought before you; they can only rely upon the wisdom of the Government to guard its national interests. They believe their cause to be mutually involved with that of their country; it remains with its Government to prevent the extension of the present, or the recurrence of future calamities. Their business cannot remain as it is now situated; its advantages have left us, and the shadow of it only exists. They truly believe a protection granted to them protects thus far the property of the nation; that the policy adopted by the other Governments in this case would secure the same results to us which it has done to them; that it would render us independent at home, would employ and enrich the nation, and would give us a surplus value to export in barter for the products of foreign countries, useful and necessary to our wants.

Your memorialists propose a duty of twenty-five cents per pound on all writing, printing, and copper-plate papers, and fifteen cents per pound on all others.

Your memorialists remain with great respect.

By order of the society.

MARK WILLCOX, *President.*

THOMAS GILPIN, *Secretary.*

PHILADELPHIA, January 15, 1820.

PROTECTION TO PRINTERS OF BOOKS.

[Communicated to the Senate, January 26, 1820.]

To the Senate and House of Representatives of the United States of America in Congress assembled:

The subscribers, inhabitants of the city of Philadelphia, beg leave to state that they are extensively engaged in the manufacture of printed books, a branch of business which has increased within a few years to such an extent as could not have been anticipated, and in which there is at this moment as much capital engaged as would suffice to answer the demand, were it to be increased to treble its present amount. As an evidence of this, they state the fact that there are no less than five Family Bibles, and numerous smaller Bibles and Testaments, kept constantly standing in type in this country; that a large Latin Dictionary has been recently stereotyped in Philadelphia, and an English one in New York; and refer also to the numerous extensive works lately published, or now in a course of publication, among which are Rees's, Gregory's, and Edinburgh Encyclopedias, the Edinburgh and Quarterly Reviews, Hume and Smollett's England, (three editions,) Gibbon's Rome, (two editions,) British Classics, British

Poets, Ramsey's Universal History, &c. &c.; and also to the circumstance that there are five type foundries in the United States, capable of producing types to almost any extent.

It has attained its present height without the aid of high duties (the highest, except during the war, ever imposed, being 15 per cent.,) and would not now require protection against importations regularly made; but the present state of affairs in Great Britain having lessened the demand for books there, many persons in that country have been induced to turn their attention to the United States, to obtain a vent for their publications.

In consequence, there are great quantities, and of very inferior quality, sent out for the purpose of being disposed of in this country by subscription, deliverable in numbers, by which method the purchasers are deluded into a belief that they are obtaining them at lower prices than they could be procured of domestic manufacture; whereas the contrary is the fact. These books are disposed of by hawkers, (all of whom are foreigners, and pay nothing whatever for the support of the General or State Governments,) who are traversing the whole country, and obtaining subscribers to a great extent; thereby destroying the business of the regular trader, whether manufacturer or importer. They are frequently shipped to this country in such a fraudulent manner as to be passed at the custom-houses for little more than waste paper; one part or volume of a work being shipped to one port, and the remainder to another, thereby defrauding the revenue of almost the whole duty; the books being appraised as imperfect, and therefore of little value.

Your memorialists believe that it can only be necessary to state the fact, that, from the best information they can obtain, there have been recently imported not less than seven or eight hundred thousand numbers of a Family Bible, (while at the same time there were, as before stated, not less than five Family Bibles, one of movable types, and four of stereotype plates, existing in this country, with a capital sufficient to supply almost ten times the present demand for that book,) to convince you of the necessity of adopting a system that will give protection to this branch of manufactures, without which there will be a most deleterious effect produced upon it, which will very seriously affect the type founders, paper makers, printers, manufacturers of leather, bookbinders, gold-beaters, engravers, &c.; in all of which branches the supply is, we believe, fully equal to the demand.

Your memorialists believe that when your honorable body take into consideration the powerful effect produced in enlightening the great body of the community by the quantity and cheapness of books, manufactured in this country, compared with what would have been the effect had we been dependent upon Europe for our supplies, burdened with the expenses of freight, &c., and also that every article made use of in this business is entirely of domestic manufacture, and the great number of persons whose support depends wholly upon it, you cannot fail to see the propriety of securing the home market to those citizens who have embarked

their capital in it, and who have displayed as much enterprise as any other part of the community, without exception.

Your memorialists, aware that you would feel indisposed to make any alteration that would be likely to be injurious to the cause of literature, and believing that their interests and those of literature are perfectly reconcilable, beg leave to propose a plan by which they believe both will be served. It is, that the present duty of fifteen per cent. on books be repealed; that, in lieu thereof, there be levied on them a specific duty of thirty-three and one-third cents per pound weight; and that, in order to give greater encouragement to the business of bookbinding, as well as to place the person who imports books in sheets, with a view of having them bound in this country, on an equal footing with those who import them bound, there be a duty of fifty per cent. upon the binding of whatever books are imported in that state.

This alteration will have the effect of excluding, almost entirely, the common articles, of which the means of production in this country are almost unlimited, and in the manufacture of which the competition is so great as to insure an ample supply at fair prices; and will, at the same time, admit at a fair rate of duty those books in the higher departments of literature and science, for which there is not yet a sufficient demand to warrant printing them. It will also have the effect, which is greatly to be desired, of preventing those frauds upon the revenue which have been practised to a very considerable extent, and will make all importers pay the same duty upon the same articles.

MATHEW CAREY, *and others.*

PHILADELPHIA, January 10, 1820.

REMONSTRANCE AGAINST AN INCREASE OF DUTIES, &c.

[Communicated to the House, January 31, 1820.]

To the honorable the Senate and the House of Representatives of the United States of America in Congress assembled:

The undersigned memorialists, merchants and inhabitants of Salem, in the Commonwealth of Massachusetts, and of the towns in its vicinity, beg leave most respectfully to represent: That they have seen, with unfeigned regret and surprise, some propositions recently brought forward in Congress, and others advocated by respectable portions of the community, which, in their humble opinions, are calculated seriously to injure, if not eventually to destroy, some of the most important branches of the commerce and navigation of the United States. The memorialists have not the slightest intention of casting any imputation of unworthy motives upon those, from whom on this occasion they feel themselves compelled to differ in the most decided manner. They are ready to admit that many of those who were inclined to revive commercial prohibitions and restrictions, and to change some of the fundamental rules of our financial

policy, are governed by motives solely suggested by their own views of the national interest. They are free also to admit that the manufacturing interests of the country deserve to receive the fostering care and patronage of the Government. But while they make these admissions, they also beg leave to suggest that the interests of commerce are not less vital to the welfare and prosperity of the Union than manufactures; and that it never can be a sound or safe policy to build up the one upon the ruins of the other. Under a wise and enlightened revenue system, the commerce of our country has hitherto advanced with a rapidity and force which have exceeded the most sanguine expectations of its friends. This commerce has contributed largely to the employment of the capital, the industry, and the enterprise of our citizens. It has quickened the march of agriculture, and, by increasing the value as well as amount of its products, has given to the planter and husbandman a reward in solid profit for their toils. It has also materially sustained the credit and finances of the nation, by insuring a regular and growing revenue through a taxation scarcely felt, and cheerfully borne by all classes of our citizens. It has also given birth to our naval power, by fostering a hardy race of seamen, and patronizing those arts which are essential to the building, preservation, and equipment of ships. It has greatly enlarged, and the memorialists had almost said created, the moneyed capital of the country. And the memorialists believe, that it cannot be too frequently or deeply inculcated as an axiom in political economy, that productive capital, in whatever manner added to the stock of the country, is equally beneficial to its best interests. Its real value can never be ascertained by the sources from whence it flows, but from the blessings which it dispenses. A million of dollars added to the productive capital by commerce is at least as useful as the same sum added by manufactures.

The benefits of the commerce of the United States, which have been enumerated, are not deduced from theoretical reasoning; they are established by thirty years' experience, since the Constitution was adopted. At that time our capital was small, and had suffered for a series of years a continual diminution. Our agriculture was depressed, and our finances were embarrassed. The changes, which a thrifty commerce during this period has contributed to produce, are so striking, that they scarcely require to be stated. There is not a single portion of the country that has not felt its beneficial influence. On the seaboard we have everywhere flourishing towns and cities, the busy haunts of industry, where the products of our soil are accumulated on their transit to foreign countries. In the interior, hundreds of towns have arisen, which but a few years since were desolate wastes or dreary forests. The agriculture of the old States has grown up and spread itself into a thousand new directions; and our cotton and our wheat, our tobacco and our provisions, are administering to the wants of millions, to whom even our very name was but a short time ago utterly unknown.

Remonstrance against an Increase of Duties.

The memorialists would respectfully ask, if it be not a part of the duty of a wise nation to profit by the lessons of experience? Is it just, is it salutary, is it politic, to abandon a course which has so eminently conduced to our welfare, for the purpose of trying experiments, the effect of which cannot be fully ascertained, which are founded upon mere theoretical doctrines, at best complex and questionable, and it may be, in practice, ruinous as well to morals as to property? Suppose it were practicable to arrest the present course of commerce, to narrow its limits, and even reduce it to the mere coasting trade of the nation; is it clear that the capital, thus withdrawn from commercial pursuits, could be as usefully or as profitably employed in any other branch of business? It is perfectly certain that such a change must be attended with severe losses to the merchants, and with ruin to numerous classes of our citizens, to our seamen and shipwrights, and other artisans, whose business depends on, or is connected with, commerce. Cases may possibly arise in which the interests of a respectable portion of the community may be justly sacrificed; but they are cases of extreme public necessity, not cases where the rivalry and the interest of one class of men seek to sustain themselves by destruction to another. In a free country too it may well be asked if it be a legitimate end of government to control the ordinary occupations of men, and compel them to confine themselves to pursuits in which their habits, their feelings, or their enterprise, forbid them to engage. While the manufacturers are left free to engage in their own peculiar pursuits, enjoying in common with others a reasonable protection from the Government, the memorialists trust it is no undue claim on their own part to plead for the freedom of commerce also, as the natural ally of agriculture and naval greatness. Nothing, however, can be more obvious than that many of the manufacturers and their friends are attempting, by fallacious statements, founded on an interested policy, or a misguided zeal, or very short-sighted views, to uproot some of the fundamental principles of our revenue policy, and to compel our merchants to abandon some of the most lucrative branches of commerce—branches which alone enable us to contend with success against the monopoly and the competition of foreign nations.

It is not a little remarkable, too, that these attempts, to which the memorialists allude, are not only repugnant to those maxims of free trade which the United States have hitherto so forcibly and perseveringly contended for as the sure foundation of national prosperity, but they are pressed upon us at a moment when the statesmen of the Old World, in admiration of the success of our policy, are relaxing the rigor of their own systems, and yielding themselves to the rational doctrine, that national wealth is best promoted by a free interchange of commodities, upon principles of perfect reciprocity. May the memorialists be permitted to say, that it would be a strange anomaly in America to adopt a system which sound philosophy is exploding in Europe; to attempt a monopoly of the home market, and yet claim an entire freedom

of commerce abroad; to stimulate our own manufactures to an unnatural growth, by the exclusion of foreign manufactures, and yet to expect that no retaliatory measures would be pursued by other nations? If we are unwilling to receive foreign manufactures, we cannot reasonably suppose that foreign nations will receive our raw materials; we may force other nations to seek an inferior market for their productions, but we cannot force them to become buyers when they are not sellers, or to consume our cottons when they cannot pay the price in their own fabrics. We may compel them to use the cotton of the West Indies, or of the Brazils, or of the East Indies, or the wheat of the Mediterranean—an experiment in itself sufficiently dangerous to some of our most vital interests; but we cannot expect them to carry on with us a ruinous trade, when the profit is all on one side. Nations, like individuals, will pursue their own interests, and sooner or later abandon a trade, however fixed may be its habits, where there is no reciprocity of benefit.

There is another consideration which the memorialists would respectfully suggest, that is entitled, in their opinion, to great weight on questions of this nature; and that is, the dangers and inconveniences which fluctuations in the commercial policy of a nation unavoidably produce. The trade of a nation is of gradual growth, and forms its channels by slow and almost imperceptible degrees. Time and confidence, and protection and experience, are necessary to give it a settled course. It insinuates itself into the general commerce of the world with difficulty, and, when incorporated into the mass, its ramifications are so numerous and intricate, that they cannot be suddenly withdrawn, without immense losses and injuries. Even the temporary stoppage of but a single branch of trade throws thousands out of employment, and, by pressing the mass of capital and shipping which it held engaged in its service into other branches, it is sure to produce embarrassment and depression, and not unfrequently ruin to the shipholders and the merchants. Besides all this, men are slow to engage their capital in new pursuits. They have a natural timidity in embarking in enterprises to which they are not accustomed; and if the commercial policy of the nation is fluctuating, they feel so much insecurity in it that they are unwilling to yield themselves up even to prospects apparently inviting. No nation ever prospered in commerce until its own policy became settled, and the channels of its trade were worn deep and clear. It is to this state of things that the capitalist looks with confidence; because he may conclude that, if his profits are but small, they are subject to a reasonable certainty of calculation. Another state of things may suit the young and enterprising speculators; but it can never be safe for a nation to found its revenue upon a trade that is not uniform in its operations. The memorialists most sincerely believe that it is a sound political maxim, that the more free trade is, and the more widely it circulates, the more sure will be its prosperity and that of the nation. Every restriction, which is not indispensable for purposes of revenue, is a shoal

Remonstrance against an Increase of Duties.

which will impede its progress, and not unfrequently jeopard its security.

Having made these preliminary observations, which they cannot deem unworthy of the serious attention of the National Legislature, the memorialists now beg leave more particularly to call the attention of Congress to the measures which have been recently proposed, and apparently approved, for the purpose of prohibiting the introduction of foreign woollen and cotton goods, and, as auxiliary thereto, the abolition of drawbacks and credits upon the duties due upon goods imported into the United States; measures which, if adopted, will, in the opinion of the memorialists, bring a premature decay and a general distress upon the whole commercial and agricultural interests of the nation.

It has been suggested, both in and out of Congress, when measures have been heretofore proposed having a direct bearing upon commercial interests, that the silence of merchants ought justly to be considered as an acquiescence in the justice and policy of such measures. Truth compels the memorialists to say that the reverse has generally been the case. The merchants of our country have had a deep, and it is hoped not an ill-founded, confidence, in the firmness, the wisdom, and enlightened policy of Congress. They have not been prepared to suppose that old, and well-tryed, and successful systems would be abandoned, merely because they were assailed by those whose interest or whose mistaken zeal led them to plan their overthrow. They have believed (nor is it an idle or vain credulity) that our statesmen, selected from the whole community, would watch with anxiety and diligence over the interests of all; and that they would distinguish the natural biases of those whose judgments were blinded by a partial view of their own interests, from the just influences of superior political foresight, aided by the most comprehensive knowledge. On many occasions, therefore, in which their interests have been assailed, (and, as the memorialists think, injuriously assailed,) the merchants have been silent, not from indifference, but from confidence; not from a sense of propriety and justice, but from a proud belief that their interests were safe, when they were understood, and that the National Legislature could not be presumed to want knowledge or inclination to protect them. On the present occasion, however, so wide have been the exertions of the manufacturers, so plausible some of their statements, and so popular, though delusive, some of their doctrines, that the memorialists feel themselves called upon to resist them in the most serious manner, as injurious to the country, and to throw themselves upon the intelligence and firmness of the representatives of the nation to vindicate their rights.

The subjects of drawbacks and of credit upon duties are intimately connected in their general aspects, but, at the same time, admit of some distinct views, which may well entitle them to separate consideration. Both of them originated at the earliest period of our Government, and were incorporated into our first revenue laws. Both of

them had the unequivocal approbation of our most enlightened statesmen of that day, and both of them have the sanction of nearly thirty years of experience in their favor. At no period of our political history, until the present, has any doubt been publicly breathed, at least to the knowledge of the memorialists, of their practical advantages; and during this whole period our commerce has been progressively increasing. Almost all commercial nations, too, have a system analogous to ours ingrafted into their revenue regulations. In all, it is believed, a discrimination is made between goods imported for home consumption, and those designed for exportation; and the duties on the latter are very trifling, especially when compared with the duties usually paid on the former. In respect to credit for duties, the known equivalent is the deposit of the goods in entrepot, and the duties are only paid after a limited period, or upon an eventual sale in the domestic market. In Great Britain, to whose system of revenue ours bears the strongest resemblance, imported goods are warehoused under the joint direction and keys of the Government and the owner, and the duties are in general paid when they are disposed of in the market. This system of deposit is exceedingly expensive, and onerous, and complicated, and requires large stores in every commercial city, and numerous officers, and is attended with injurious delay. Its object is to give the benefit of credit to the merchant; and it has that effect, but it is at a heavy expense to the Government. In this country the same object is obtained, at a very small expense, in a much more simple way; and, where the officers of the customs act with prudence and vigilance, the risk of loss to the Government, from the non-payment of the bonds, given with sureties, for the duties, is small—very small, indeed—compared with the expense of the other system. In the district of Salem and Beverly, the whole amount remaining unpaid on bonds for goods imported, from the origin of the Government to the present time, deducting the debentures due and unpaid on the same goods, is but \$1,562 46; yet that district alone has furnished many millions to the revenue of the United States.

The fact, however, that in all foreign commercial nations, a credit is allowed for duties upon goods imported, and a drawback is allowed directly or indirectly upon exportation, seems to justify, in an eminent degree, the opinion that the system is useful to the public, and salutary to commerce. And the experience of this country is entirely in its favor. It may, then, with some confidence, be asked, why should it be changed? Why should we leave fact for conjecture, and hazard new experiments in cases where the great objects of the Government have been already attained? Why should we involve the immense manufacturing, agricultural, and other interests, connected directly with commerce, in distress or ruin, for the purpose of speculating in new schemes, ill adapted to the state of our country, and whose success is yet to be ascertained? It appears to the memorialists that it is incumbent on those who would lead the nation into such schemes, to de-

Remonstrance against an Increase of Duties.

monstrate their wisdom and policy before they are adopted; and not, by arithmetical calculations, bottomed on visionary notions, to call upon the nation to reject the lights already furnished by its own experience.

But it may, perhaps, be inquired, what are the benefits derived to commerce from a credit upon duties? The memorialists are perfectly willing to state some of the leading benefits, public as well as private; for in this, as in almost all the like cases, public and private interests go hand in hand.

It will not be denied that the United States, even at the present time, does not, when compared with the great nations in Europe, abound in moneyed capital. This is in almost every nation a subject of slow accumulation, even under circumstances peculiarly favorable to its growth; but in a young nation the obstacles are generally great, from the character and various pursuits of the inhabitants, the extent of their wants, and the rivalry and superior advantages for its employment presented by flourishing nations. At the time when the United States adopted its system of credits and drawbacks on duties, its moneyed capital was very small; and the great policy of the Government was to give every facility for its full employment. It is obvious that the more capital is employed in commerce, the more extensive will be its reach, and the more revenue will be acquired by the Government. Whatever of capital, naturally flowing in this channel, is withdrawn from it and remains unemployed, is so much lost to the commerce of the country. The duties upon the importation of goods are, on an average, at least twenty-five per cent. of the value of those goods, or of the capital employed. It follows that, if this is immediately withdrawn from the funds of the merchant, it is so much loss of his commercial capital. A little detail will render this apparent. Whenever a voyage is undertaken, the merchant invests as much capital as he thinks necessary for the purchase of the goods to be imported, and also as much more as will be necessary to meet all the disbursements and expenses of the voyage. All this is paid in advance. When the goods are imported, they are not immediately sold. The market may be depressed, or the goods be of slow consumption, or not be adapted to the wants of this country, or be ultimately destined for a foreign market. In these cases, (and these are common cases,) it is obvious that no immediate sale can be made without great sacrifices—sacrifices which are wholly inconsistent with any profitable commerce. Even when sales are effected, they are rarely made for cash. A credit is almost universally allowed to the purchaser, varying according to the nature of the commodity and the demand in the market, from four to eight, and even twelve months. Under such circumstances, if a cash payment is required for the duties, it is obvious that the merchant must either, in anticipation of this demand, gradually withdraw from his other business a portion of his capital equal to the duties; or he must divert an equal portion ready to be employed in another voyage; or he

must procure money upon credit from other sources, loaded with the payment of interest; or he must consent to make enormous sacrifices, by an immediate forced sale. If he be a prudent, cautious merchant, this very circumstance will operate to prevent him from employing his whole capital in commerce, lest he should be compelled to make ruinous sacrifices, or, by a mere temporary depression of the market, be exposed to the most painful embarrassments. It is with the express view of preventing this palsy upon commercial operations, that a credit upon duties has been allowed by the wise and great men who have hitherto governed our country; and this credit is carefully adjusted to the different portions of our trade, so as to form a credit equal, in a general view, to the time consumed and credit allowed before the merchant receives his money upon the sales of the goods upon which the specific duties have accrued.

In confirmation of this general statement, the memorialists would respectfully call the attention of Congress to the East India trade—a trade in which Salem has been long, and deeply, and successfully engaged; a trade, too, which, however, decryed by the misguided zeal of some, and the interested suggestions of others, has largely contributed to the revenue of the United States, and yields not in importance to any other branch of commerce. Voyages to the East Indies are undertaken at very heavy expense, and with proportionably large capitals. The goods that are brought home consist of articles either of such high prices, such slow consumption, or of such bulk and quantity, as require a considerable length of time before they can be sold at a reasonable profit, and the money actually realized upon the sale. The home market, too, for many of these goods, is so limited, that, ultimately, a re-exportation to Europe becomes indispensable; and, after a second voyage, thus undertaken, the proceeds find their way, by a circuitous remittance, to England; and then again, before the merchant can realize his funds, he must have notice of the remittance, and be able to sell his exchange at a reasonable rate in the market. It is not uncommon for cargoes designed for home consumption to remain on hand for six months, and sometimes a twelvemonth; and when sales are effected, the usual credit is from four to eight and twelve months. So that, even with the credit for duties allowed in this trade, it usually happens that the first and second instalments become due before the proceeds of the sales have been realized, and, not unfrequently, before the cargoes have been finally disposed of. Yet the duties on these voyages are exceedingly heavy, amounting, in some cases, to \$100,000; a sum which even our wealthiest merchants could not readily advance, and which would materially check even their commercial expeditions. It is not too much to declare that, in all probability, an abolition of the credit of duties would immediately occasion a diminution of the East India trade one-quarter part, and, of course, occasion a proportionate diminution of our revenue, and of employment to those whose bread is as hardly earned, and whose lives are as dear, and whose

Remonstrance against an Increase of Duties.

welfare is as important to the country, as those of the manufacturers, who seek to found their own fortunes upon the ruins of this commerce.

Some of the ill effects which would result from the abolition of this credit will be obvious to the most careless observer. There is no pretence to say that there is a superabundance of moneyed capital in our country. The universal opinion proclaims, in a manner too audible and too distinct to be misunderstood, that much of the public distress arises from a deficiency of capital. The first effect, therefore, of the abolition of this credit, would be a diminution of active capital engaged in trade, and yielding a profit. It would be hoarded up to meet the anticipated demands of the Government for accruing duties. The revenue would, as has been already intimated, immediately suffer. But other evils, of a still graver cast, would ensue. Men of small capitals could no longer engage in trade, and least of all in a trade where the voyages were long and the returns slow. Capitalists, and they alone, could successfully carry on the great branches of commerce; and in their hands it would become a monopoly, which they might wield and manage at their own pleasure. The young and enterprising merchants would be crushed in their attempts at competition, and would be compelled to navigate only in those narrow channels where trade almost stagnates, or yields a scanty subsistence. Another necessary result would be the enhancement of the prices of all foreign articles of domestic consumption. The merchant would charge an interest and profit upon every advance made to the Government in the shape of duties; and thus the consumer, upon whom all such charges ultimately fall, would pay these additional charges, together with the enhanced price, which a smaller importation, with an equal demand, would necessarily produce. These are evils of no ordinary magnitude; and it is confidently believed that no wise Legislature would introduce them upon mere speculations, thus taxing the whole for the conjectural benefit of the few.

In respect to drawbacks, some additional considerations seem necessary to be stated, inasmuch as the subject has been greatly misunderstood by some of those who advocate their abolition. The drawback of duties is allowed upon importations of goods into the country, which are re-exported within a year from the time of their entry. The object of the system is to increase the navigation and commerce of the country, by securing to our citizens a carrying trade, between distant and foreign nations, in commodities which are either unsuitable to our market, or of which a great surplus is imported. In every such case, the Government derives a direct revenue of two and one-half per cent. on the duties of the re-exported goods; this amount being always retained. This is a positive benefit to the Government. It is obvious that, if no drawback were allowed upon such re-exportation, no surplus beyond the consumption would ever be imported; for, upon such re-exportation, the goods would be loaded with the whole duty, and the merchant could not afford to sell them so cheap in the foreign market, by the full

amount of that duty, which would much exceed the whole profit reasonably to be expected upon the goods. Under such circumstances, the shipping and capital of foreign merchants would be exclusively engaged in the carrying trade, and all the benefits of an increased employment for our seamen, our shipwrights, and our ships, including freight and profits, would be entirely lost. This is stated upon the supposition that such a trade could not be carried on, except circuitously, and after an actual importation into the United States; and this is regularly true in respect to the whole trade with the British East Indies, with which we are not permitted to carry on any trade direct to Europe, but are compelled, by treaty, first to land the goods in the United States.

In respect to the other portions of the carrying trade, the abolition of drawbacks would immediately lead to a direct trade between foreign ports, whenever foreign nations would permit our merchants to engage in it. This would compel them to equip, repair, and man their ships in Europe, and thus to give all their disbursements in this great trade to foreigners. No goods would be imported into the United States, either from Europe or India, which were not indispensable for our consumption; and this diminished supply of the home market would increase speculation, and tend to produce, in a very great degree, alternating fluctuations from a depressed to a high market. Commercial adventures would be thereby rendered more hazardous and precarious, since the foreign market would be ordinarily cut off after an importation into the United States; and if, at any moment, the foreign market should happen to be so high as to justify an exportation, an artificial scarcity, far beyond what now can ever arise, would immediately ensue in the United States. The abolition of drawbacks would, in this view, operate as a direct tax upon the consumers in this country. It would diminish the productive revenue, and give a foreign character to our seamen and commerce, instead of concentrating both as their home in the bosom of the country. Nor should it be forgotten how highly important the carrying trade has hitherto been, and how much it has increased our moneyed capital. During the years 1802, 1803, and 1804, the drawbacks allowed, on an average of these years, considerably exceeded a quarter part of the duties secured to the Government; in the succeeding years, 1805, 1806, and 1807, they constituted more than a third of the whole duties. So that, on an average of these six years, the last three of which were the most prosperous years of our commerce, the carrying trade constituted nearly one-third of our whole foreign commerce. And although this carrying trade be now, from the general state of the world, somewhat diminished, yet it still remains one of the most lucrative branches of our commerce, and yields a steady revenue to the Government. Under this aspect of the subject, the memorialists would respectfully inquire whether the abolition of drawbacks would not be disastrous to the most important interests of our country, and dry up some of the best sources of our national glory as well as national wealth? Let it

Remonstrance against an Increase of Duties.

be considered, also, that the policy of all commercial nations has uniformly dictated the same course, and that drawbacks, or their equivalent, are uniformly held out as an encouragement to importations, and thus the supply is always kept considerably above the domestic consumption, and enterprise and industry are protected and rewarded. Will America be the first to abandon a policy by which she has so greatly profited? At the very moment when her commerce is gasping for life, from the accumulated competitions of foreign nations, zealous for their own interests, will she aid the blows aimed at its existence, and consign it to a premature destruction?

The next subject to which the memorialists would respectfully ask the attention of Congress, is a measure very pertinaciously and zealously advocated by manufacturers and their friends—they mean the entire prohibition, either directly, or by duties equivalent to a prohibition, of the importation of cotton and woollen goods. That the tariff of duties now existing is singularly favorable to manufactures, the memorialists had supposed would have been freely admitted. Whatever articles are useful for domestic manufactures pay but a trivial duty; whatever articles can be wrought here are loaded with a heavy duty, varying from fifteen to thirty per cent. ad valorem. The duty upon East India cottons is indeed enormous, and practically amounts to a total prohibition. The coarser fabrics of cotton in the British East Indies cost about six cents a square yard, and were formerly imported in large quantities into the United States, and supplied the poorer classes of citizens with necessary though humble clothing. The tariff directs all such cottons to be estimated at the cost of twenty-five cents per square yard, and levies upon them, therefore, a duty of one hundred per cent., or a sum equal to their original cost. During the years 1802, 1803, and 1804, the average imports from the British East Indies were about three millions and a half of dollars; of which a little short of three millions were goods paying ad valorem duties, being principally white cotton goods. In 1807, the goods paying ad valorem duties, imported from the same places, had increased to upwards of four millions of dollars. In the same year fifteen ships were employed in this trade from the town of Salem alone. In the past year two only have been so employed, and, for the four years last past, no cotton piece goods have been imported into this town for home consumption; the duty alone amounting to a prohibition. The sacrifice of this branch of our trade alone has very seriously affected the whole mercantile community engaged in East India commerce, and has nowhere been more sensibly or injuriously felt than in Salem. It has operated, too, as an excessive tax upon the poorer classes of the community, who have been compelled to buy domestic fabrics to supply their wants, at higher prices, which their narrow means could ill afford. It has also annually struck off from the revenue of the Government the whole duty upon seven-eighths of the importations of East India cottons; that proportion having been absorbed by the domestic consumption. The loss to

our ship owners, and seamen, and commercial artisans, has been proportionably great. And the memorialists cannot refrain from expressing their decided convictions, that this sacrifice was not called for by the public interests, but was a liberal indulgence granted for the exclusive benefit of the manufacturers, and pressed upon the nation by their importunate solicitations. However painful this measure was, it was borne in silence, under the hope that experience would one day establish the propriety of its repeal, and that the zeal of the manufacturers would be satisfied with the destruction of one branch of commerce, and the heavy duties imposed upon all others.

These expectations, however, have not been realized; and the memorialists now learn, with regret, that one sacrifice is to be demanded after another, and one prohibition heaped upon another, by the friends of manufactures, until all the sources of foreign commerce are dried up, and domestic manufactures sustained, by enormous bounties, absorb the whole moneyed capital of the nation. The memorialists would most respectfully, but most solemnly, protest against the policy and the justice of such measures.

And what are the claims, the memorialists beg leave respectfully to ask, of any class of our citizens, to throw such enormous burdens upon the other classes of the community? Is the agricultural interest nothing? Is the commercial interest nothing? Are the interest of the public and its revenues nothing? The cotton and woollen trade is already loaded with twenty and twenty-five per cent. duties; and if there be added the freight and charges upon importation, the domestic manufactures have now an encouragement of the profit of from thirty to thirty-five per cent. more than the European manufacturers possess, if the same art can be manufactured as cheap at home as abroad. In respect to the East India cotton trade, the encouragement is still more striking; the duties upon the coarsest fabrics in that trade amounting, as has been already seen, to one hundred per cent. upon the original cost. And if cotton and woollen goods cannot be manufactured here and sold as cheap, with all these differences of duty in their favor, does it not establish the conclusion that such manufactures are not the natural growth of our present situation, and are not adapted to the physical, and moral, and happy condition of the people? Why should the farmer, and the planter, and the merchant, and the mechanics, and the laboring classes of the community, be taxed for the necessities of life a sum equal to more than one-quarter part of their whole expenditures on these objects, that the manufacturers may put this sum into their own pockets?

The memorialists are no enemies to manufactures; but they most sincerely express it as their deliberate judgment that no manufactures ought to be patronized in the country which will not grow up and support themselves in every competition in the market, under the ordinary protecting duty; that the only manufactures which can ultimately flourish here are those which are of slow growth and moderate profit, such as can be carried

Prohibition of Foreign Cotton and Woollen Fabrics, and Iron.

on by capitalists with economy and steadiness; and that a change of system, which should suddenly introduce great profits, by encouraging undue speculation, and the expectation of inordinate gain, would end in the deepest injuries even to manufacturing establishments. The history of the cotton manufactories in New England completely demonstrates the truth of these positions. They grew up gradually, under the protection of our ordinary duties, in a time of peace, and were profitable to those engaged in them. But when the embargo and non-importation systems produced a deficiency in the foreign supply, a feverish excitement was produced; manufactories were established without sufficient capital; extravagant expenditures in buildings and machinery followed; for a while the demand was great, and the profits high, but, upon the return of the ordinary state of things, many of these establishments sunk, one after another, and involved their owners in ruin. And such, in the opinion of the memorialists, would be the scene acted over again in a few years, if the manufacturers could now succeed in accomplishing their present objects. For a short time their establishments would flourish; but in a free country like ours, there would be a reaction of the other great interests of the community, and the national distress and national policy would soon require a repeal of the monopolizing system. A moderate protecting duty is the best support of domestic manufactures, for the very reason that it may be safely calculated on as permanent. It may not encourage speculation, but it will encourage the employment of capital, as fast as safety and a reasonable profit are connected with it.

Nor will the high prices and eventual insecurity to domestic manufactures be the only evils attendant upon this prohibitory system. It will encourage smuggling and frauds to an extent truly formidable, and never yet practised in our country; and the same effect will arise, though in a more limited degree, from the abolition of drawbacks and credit on duties. The utter impossibility of suppressing frauds and smuggling, where the markets are very high, and the prohibitions very extensive, has been demonstrated by the experience of all Europe. During the most rigorous enforcement of the continental exclusion of British manufactures, aided by civil vigilance, and military bayonets, and despotic power, these manufactures found their way into every part of Europe, from the cottage to the throne. Great Britain herself, insulated as she is, and with a naval force adequate to every object, has not been able to suppress smuggling. Prohibited goods find their way into the United Kingdom, notwithstanding the vigilance of her custom-houses, and the unwearied jealousy of her manufacturers. In the United States, with a thousand miles of seacoast, indented with innumerable bays and harbors, how can it be reasonably expected that the temptations to illicit traffic will not soon outweigh the habits of obedience to the laws, especially when those laws shall become odious, as the supposed instruments of one class to oppress another? Hitherto our country has exhibited a spectacle not unwor-

thy of a free people. Frauds upon the revenue have been comparatively few; and smuggling has been repressed by the general sense of the mercantile community. What system could be more disastrous than that which should hold out permanent temptations to smuggling, connected with a sense of the impolicy and injustice of the laws? The memorialists believe that one of the first objects of legislation is to become auxiliary to the preservation of the morals of the people, by interfering as little as possible with pursuits consonant with their habits and feelings, lawful in their objects, and adapted to their wants.

Upon the whole, the memorialists would respectfully state their unequivocal opinion, that all the measures to which they have alluded are calculated to impair our naval strength and glory; to injure our most profitable commerce; to diminish, in an alarming degree, the public revenue; to promote unjustifiable speculation; to enhance the prices of manufactures; to throw the great business and trade of the nation into the hands of a few capitalists, to the exclusion of the industrious and enterprising of other classes; to introduce general distress among commercial artisans and agriculturists; to aggravate the present distress of the other classes of the community; to provoke and extend an undue appetite for fraud and smuggling; and, in fine, to destroy many of the great objects for which the Constitution of the United States was originally framed and adopted.

The memorialists, therefore, most respectfully ask the interposition of Congress to prevent these great evils, and to promote the general good, by a perseverance in that system, under the protection of which our commerce, and navigation, and agriculture have flourished; a system, conceived in political wisdom, justified by experience, and approved by the soundest maxims of national economy.

SALEM, January, 1820.

PROHIBITION OF FOREIGN COTTON AND WOOLLEN FABRICS, AND IRON.

[Communicated to the House, February 1, 1820.]

TREASURY DEPARTMENT, Jan. 27, 1820.

SIR: In obedience to a resolution of the House of Representatives of the 4th instant, directing the Secretary of the Treasury "to inform the House what reduction, in his opinion, it will make in the revenue, if the importation of cotton and woollen manufactures, and iron, be prohibited; and in what manner the deficit in the revenue may be supplied, should the prohibition be made;" I have the honor to submit statements of the amount of revenue which accrued from those articles from the year 1815 to 1818, inclusive.

The very great difference in the amount of revenue which accrued during those years renders it difficult to determine what the reduction would be, should the prohibition be enforced. It is probable that the deficiency, for a number of successive

Prohibition of Foreign Cotton and Woollen Fabrics, and Iron.

years, would amount to the average sum of six millions of dollars.

If an increase of the rate of duty would necessarily augment the revenue in the same proportion, the deficiency might be readily supplied. But reason and experience forbid the expectation of such a result, the importation of foreign merchandise is regulated by the capacity of the importing country to pay an equivalent for them. Any increase of duty diminishes this capacity. When carried to an extreme, it amounts to prohibition. But the revenue will frequently be diminished by an increase of duty, when the consumption of the article is not diminished. Whenever the duty is raised so high as to equal the risk incurred by an attempt to introduce dutiable articles illicitly, smuggling, upon an extensive and systematic plan, commences. In that case, not only their consumption, but the capacity to pay for them, may be increased, whilst the revenue may be diminished.

Considering the facilities which the extent of our coasts and frontiers, and the numerous harbors, bays, inlets, and rivers, by which they are indented, furnish for the illicit introduction of foreign merchandise, the settled policy of the Government has been to diminish, as far as practicable, the temptation which high duties would furnish to take advantage of these facilities. Should the existing duties be considerably raised, there is just ground to apprehend that the revenue will be reduced rather than augmented by the change. Indeed, there is just reason to believe that, with the present rate of duty, the practice of smuggling is gradually increasing. Any attempt to raise the deficiency which will be produced by the prohibition under consideration, by an increase of duty upon the articles which will still be imported, will greatly increase the expense of collection, by the necessity which it would create to employ a greater number of officers of the customs to guard against smuggling, and eventually fail to augment the revenue to the required extent. The principal reliance for supplying the deficiency which would be produced by the adoption of the measure contemplated by the resolution, must, it appears to me, be placed in a system of internal duties or direct tax.

In aid of either of these modes of augmenting the revenue, a small addition might be made upon the rate of duty now paid upon linens, manufactures of hemp, stuff goods, coffee, brown sugar, teas, wines, molasses, spices, and other small articles. If a system of internal duties should be deemed at this time advisable, an entire prohibition of ardent spirits might be adopted without material injury to the revenue, and with manifest advantage to the agricultural interest. In that event, the revenue which has been heretofore received from the duties imposed upon foreign spirits might be collected from domestic spirits.

I have the honor to be, sir, your most obedient servant,

WILLIAM H. CRAWFORD.
Secretary of the Treasury.

The Honorable SPEAKER
Of the House of Reps.

A statement of the duties arising on imported merchandise paying an ad valorem duty of twenty-five per cent. to the 30th June, 1819, of which woollens and cottons form almost the exclusive articles, for the years 1815, 1816, 1817, and 1818, with the amount of drawback annually paid on re-exportation.

YEARS.	Amount of duties.	Amount of drawback.	Net amount of duties.
1815 - -	\$17,813,277	\$189,768	\$17,623,509
1816 - -	11,013,142	981,791	10,031,351
1817 - -	4,967,503	644,653	4,322,850
1818 - -	6,753,008	534,307	6,218,701

NOTE.—The Treasury records do not afford any means of ascertaining the amount of duties, so as to distinguish woollens from the various descriptions of cottons, whether from India or Europe; nor of cotton yarns from cotton piece goods.

TREASURY DEPARTMENT,
Register's Office, Jan. 7, 1820.
JOSEPH NOURSE, Register.

ARTICLES.	1815.			1816.			1817.			1818.		
	Amount of duties.	Amount of drawback.	Net amount.	Amount of duties.	Amount of drawback.	Net amount.	Amount of duties.	Amount of drawback.	Net amount.	Amount of duties.	Amount of drawback.	Net amount.
Anchors and sheet	268,246	224	\$68,219	\$19,683	\$292	\$13,266	\$2,004	\$3,405	\$2,904	\$3,637	\$602	\$2,945
Silt and hoop	38,170	2,703	37,936	77,229	3,631	73,698	24,631	8,017	31,226	48,192	8,130	40,062
Nails	39,566	4,295	35,863	91,787	5,151	86,636	6,038	1,019	35,092	7,639	8,443	7,079
Spikes	4,295	1	4,295	14,387	1,117	13,270	1,019	5,879	3,579	92,319	11,025	81,294
Bar and bolt, rolled	195,158	4,395	190,153	52,023	24,686	27,337	6,127	23,274	23,272	213,274	4,395	208,879
Bar and bolt, hammered	150,251	2,948	147,333	461,668	26,273	435,095	257,572	43,254	214,288	48,902	4,140	13,954
Fig and castings	-	-	-	-	-	-	-	-	-	14,042	58	13,984
Fig and rod, and hoop	-	-	-	-	-	-	-	-	-	48,902	4,140	44,762
Total dollars.	150,251	2,948	147,333	461,668	26,273	435,095	257,572	43,254	214,288	48,902	4,140	13,984

JOSEPH NOURSE, Register.
TREASURY DEPARTMENT, REGISTER'S OFFICE, January 7, 1820.

A statement of the duties arising in the years 1815, 1816, 1817, and 1818, on the importation of articles of iron manufacture paying a specific duty, with the amount of drawback annually paid on their re-exportation.

*Balances in the Treasury—Public Debt.***BALANCES IN THE TREASURY—PUBLIC DEBT.**

[Communicated to the House, February 3, 1820.]

TREASURY DEPARTMENT, Jan. 24, 1820.

SIR: In obedience to sundry resolutions of the House of Representatives of the 17th instant, directing the Secretary of the Treasury to report, first, the actual balances in the Treasury, and in the hands of the Treasurer, as agent of the Navy and War Departments, and the amount of any subject to the control of the Commissioners of the Sinking Fund, on the first day of January, 1820; second, the principles upon which the receipts into the Treasury from the sales of the public lands for the year 1820 have been estimated; and, third, what amount of the public debt will be redeemable, according to the terms of the contract, in the years 1820, 1821, 1822, 1823, and 1824; and what amount would be left of the Sinking Fund in each year respectively after payment of the interest of the public debt, and the portion of the principal which may be redeemable within the year; I have the honor to submit two statements, marked A. and B.

If the payments for public lands are made when they fall due, the greatest accuracy might be attained in estimating the receipts into the Treasury from the sales previously made. So far as the receipts would be affected by sales made during the year embraced by the estimate, it would necessarily be conjectural. But, as the purchasers are subject to no penalty for delay of payment until the expiration of five years from the date of the sale, except the payment of interest, a general want of punctuality everywhere prevails. The sums which ought to be paid at the end of the second, third, and fourth years, are more generally paid in the fifth year.

If the indulgence which, since the year 1809, has been uniformly extended to the purchasers of the public land, had not grown into a system, it would be practicable to determine with sufficient accuracy the amount of the receipts into the Treasury during any year, so far as they depended upon sales previously made, after the principal land offices had been opened for five years. The debt contracted by the purchase of lands in any given year would not materially differ from the sum

which would be receivable during the fifth year after it was contracted. But the frequent and general indulgence which has been extended to the purchasers of the public land has rendered the application of this rule for estimating the receipts into the Treasury from that source of the revenue entirely nugatory. The payment of interest is, in fact, under this system of indulgence, the principal inducement to the punctual discharge of the instalments as they become due, or at any later period. As the use of money is generally worth more than legal interest, where the payments are made, the want of punctuality will probably become more general. In estimating the probable receipts into the Treasury during the year 1820, more reliance has been placed upon the quantity of land which will within the year be offered at public sale, than upon the sums which may be payable during that period on account of sales previously made.

I have the honor to be, &c.

WM. H. CRAWFORD.

The Hon. SPEAKER of the Ho. of Representatives.

A.

Statement of the actual balance in the Treasury, and in the hands of the Treasurer, as agent of the War and Navy Departments, and the balance in the Treasury subject to the control of the Commissioners of the Sinking Fund, on the 1st day of January, 1820.

Balance in the Treasury	(a) \$2,536,823 28
In the hands of the Treasurer as agent of the War Department	995,945 13
In his hands as agent of the Navy Department	372,913 70
Balance in the Treasury subject to the control of the Commissioners of the Sinking Fund	(b) 2,378,398 42

(a) This sum will probably be increased when the returns from all the receivers of public money, and of the banks in which they make their deposits, are received for the month of December. At the date of their last returns there were in their hands \$334,560 53, which sum would be augmented by the payments made during that month.

(b) Of this sum \$1,646,117 42 are applicable to the payment of that amount of Louisiana stock still outstanding, which was redeemable on the 21st October, 1819.

B.

Statement of the amount of the public debt redeemable in 1820, 1821, 1822, 1823, and 1824; exhibiting also the interest payable in and the balance of the annual appropriation of \$10,000,000 which will remain unapplied at the close of each year.

Balance of appropriation for 1819 unapplied in that year	- - - \$2,378,398 42
Appropriation for 1820	- - - 10,000,000 00

Principal redeemable in 1820:

Claims on account of the instalments of Louisiana stock payable in 1818 and 1819, unapplied for on the 31st December, 1819	- - - \$1,646,117 42
Residue of Louisiana stock	- - - 2,216,462 77
Six per cent. stock of 1796	- - - 80,000 00
Reimbursement of deferred stock	- - - 503,196 94

12,378,398 42

State of the Sinking Fund.

Total principal	-	-	-	-	-	-	\$4,445,777	13	
Interest payable in 1820	-	-	-	-	-	-	4,911,843	00	
									\$9,357,620 13
Balance of appropriation which will be unapplied on the 31st December, 1820	-	-	-	-	-	-	-	-	\$3,020,778 29
Appropriation for 1821	-	-	-	-	-	-	-	-	10,000,000 00
Principal redeemable in 1821:									
Reimbursement of the deferred stock	-	-	-	-	-	-	534,033	08	
Interest payable in 1821	-	-	-	-	-	-	4,773,737	68	
									5,307,777 76
Balance of appropriation which will be unapplied on the 31st December, 1821	-	-	-	-	-	-	-	-	4,692,229 24
Appropriation for 1822	-	-	-	-	-	-	-	-	10,000,000 00
Principal redeemable in 1822:									
Reimbursement of the deferred stock	-	-	-	-	-	-	566,588	75	
Interest payable in 1822	-	-	-	-	-	-	4,741,182	01	
									5,307,770 76
Balance of appropriation which will be unapplied on the 31st December, 1822	-	-	-	-	-	-	-	-	4,692,229 24
Appropriation for 1823	-	-	-	-	-	-	-	-	10,000,000 00
Principal redeemable in 1823:									
Reimbursement of deferred stock	-	-	-	-	-	-	602,836	47	
Interest payable in 1823	-	-	-	-	-	-	4,704,934	29	
									5,307,770 76
Balance of appropriation which will be unapplied on the 31st December, 1823	-	-	-	-	-	-	-	-	4,692,229 24
Appropriation for 1824	-	-	-	-	-	-	-	-	10,000,000 00
Principal redeemable in 1824:									
Reimbursement of deferred stock	-	-	-	-	-	-	356,858	93	
Interest payable in 1824	-	-	-	-	-	-	466,267	31	
									5,023,126 24
Balance of appropriation which will be unapplied on the 31st December, 1824	-	-	-	-	-	-	-	-	4,976,873 76
Total amount of the annual appropriations of \$10,000,000 for the years 1820 to 1824, inclusive, which will, according to the terms of the contracts in relation to the redemption of the public debt, remain unapplied on the 31st December, 1824									
									\$22,074,339 77

TREASURY DEPARTMENT, REGISTER'S OFFICE, *January 22, 1820.*

JOSEPH NOURSE, *Register.*

SINKING FUND.

[Communicated to the Senate, February 5, 1820]

WASHINGTON, *February 5, 1820.*

The Commissioners of the Sinking Fund respectfully report to Congress:

That the measures which have been authorized by the board, subsequent to the last report of the 5th of February, 1819, so far as the same have been completed, are fully detailed in the report of the Secretary of the Treasury to this board, dated the 4th day of the present month, and in the statements therein referred to, which are herewith transmitted, and prayed to be received as a part of this report.

JOHN GAILLARD, *President of the Senate, pro tem.*
 JOHN QUINCY ADAMS, *Secretary of State.*
 WM. H. CRAWFORD, *Secretary of the Treasury.*
 WM. WIRT, *Attorney General.*

The Hon. PRESIDENT OF THE SENATE.

The SECRETARY OF THE TREASURY respectfully reports to the Commissioners of the Sinking Fund:
 That the sums disbursed from the Treasury, during the year 1818, on account of the principal and interest of the public debt, as per last annual report, was - \$21,596,783 68
 From which deduct amount of repayments in that year - 300,477 64
 \$21,296,306 04

State of the Sinking Fund.

Which, with a sum arising from damages and interest on protested bills of exchange, being the difference between the cost of said bills at par and the amount received into the Treasury in repayment thereof	(a) 33,752 06
Together with a further sum, being the difference between the principal of stock purchased during the year 1818, and the money paid for the same	4,708 14
Amounting, together, to	<u>\$21,334,766 24</u>

Have been accounted for in the following manner, viz:

The sums actually applied during the year 1818, to the payment of the principal and interest of the public debt, as ascertained by accounts rendered to this Department, amounted, as appears by the annexed statement A, to the sum of

In the reimbursement of the principal of the old 6 per cent. and deferred stocks	1,191,933 51
In the redemption of the domestic debt	277,493 87
In the redemption of the Louisiana stock	4,856,700 00
In the payment of the principal of Treasury notes	8,426,769 00
In the payment of certain parts of the domestic debt	792 36
	<u>14,753,688 74</u>
On account of the interest	\$6,011,388 67
On account of charges	4,926 31
	<u>6,016,314 98</u>
	<u>20,770,003 72</u>

But of this sum there was short provided, consisting of unclaimed dividends on the public debt, not applied for by the proprietors, as per the annexed statement B.

	128,427 69
	<u>20,641,576 03</u>
The funds in the banks, out of which a part of the interest which accrued on the funded debt for the year 1817 was paid, and which appeared to be short provided, per statement B of last year, was covered by warrants in 1818	693,058 45
And there was a loss on exchange in remittances from America to Europe during the year 1818, as appears by statements D and Dd, annexed to the last report	131 76
	<u>\$21,334,766 24</u>

(a) Payment by Minturn and Champlin, per statement E of last year	\$20,506 46
Cost of bill for £4,000 sterling	17,777 78
	<u>\$2,728 68</u>
Payment by A. Brown and Brown and Hackman, per statement E of last year	44,380 38
Balance due by them for the cost of two bills, per note a to statement G, accompanying report of February, 1818	13,357 00
	<u>31,023 38</u>
	<u>\$33,752 06</u>

That, during the year 1819, the following disbursements were made out of the Treasury, on account of the principal and interest of the public debt:

On account of the interest on the funded domestic debt and reimbursement of the principal of the deferred stock	\$5,508,493 03
On account of the principal and interest of Treasury notes	82,220 29
On account of the redemption of the Louisiana stock	1,419,285 42
Whereof, in payment of stock purchased	\$203,835 69
In payment of instalments 21st October, 1818 and 1819	1,215,449 73
	<u>\$1,419,285 42</u>
On account of the interest on the same, payable in Europe	206,264 48
On account of the redemption of the domestic debt	504,693 42
On account of certain parts of the domestic debt	64 32

Making together, as will appear by the annexed statement C, the sum of

\$7,721,020 96

State of the Sinking Fund.

Which disbursements were made out of the following funds, viz :	
From the annual appropriation of \$10,000,000, for the year 1819, agreeably to the second section of the act to provide for the redemption of the public debt, passed the third of March, 1817	\$7,621,605 58
From repayments into the Treasury on account of moneys heretofore advanced for the purchase of bills of exchange, and for the payment of interest and reimbursement of the funded debt	17,199 09
And from the appropriation in relation to Treasury notes, being the amount of payments on account of the principal and interest thereof, per statement C, above recited	82,220 29
Making the amount paid on warrants, as above stated	<u>\$7,721,020 96</u>
And have been accounted for, as far as respects the redemption by purchase of the public debt, under the act passed the 3d of March, 1817, and as is exhibited in statement I, annexed, and which is rendered as a part of this report :	
Stock purchased \$711,957 55, cost	\$665,982 73
The residuary balance of	7,055,038 23
	<u>\$7,721,020 96</u>

Will be accounted for in the next annual report, in conformity with the accounts which shall then have been rendered to this Department.

In the mean time, the manner in which the said balance has been applied is estimated as follows : There is estimated to have been applied to the payment of the deficiency of the provision, at the end of the year 1818, as per statement B

Also, in the reimbursement of the deferred 6 per cent. stock	\$485,334 58
Also, in the payment of the principal of Treasury notes	80,000 00
Also, towards the redemption of the Louisiana 6 per cent. stock, (a)	1,215,449 73
Also, in payment of certain parts of the domestic debt	64 32
	<u>1,780,848 63</u>
And in payment of interest on the funded debt and Treasury notes	5,186,892 96
	<u>6,967,741 59</u>

In the next annual statement the repayments in 1819 will be exhibited as a deduction from the total amount of warrants issued for the public debt in that year, and of which this forms a part, to the amount of

And there is estimated as remaining unapplied in the hands of the agents in Europe, and in protested bills, on the 1st of January, 1820, as per estimate G, the sum of	17,199 09
	<u>64,232 12</u>
	<u>7,049,172 80</u>

From which deduct this sum short provided, on account of unclaimed dividends payable but not demanded at the Treasury, (by estimate)	122,562 26
	<u>6,926,610 54</u>
	<u>\$7,055,038 23</u>

(a) The amount payable in 1819, on account of the Louisiana stock	\$2,861,567 15
Whereof, on application for payment, warrants were issued for	1,215,449 73
Remained to be issued after the 1st of January, 1820	<u>\$1,646,117 42</u>

That, on the 21st of October, 1820, the last instalment of the Louisiana stock, amounting to \$2,216,462 77, will be payable.

That, in compliance with the sixth section of the act of the 3d of March, 1817, for the redemption of the public debt, the certificates which, by payment or purchase, have become the property of the United States, are regularly cancelled.

A statement marked H is annexed, which exhibits the amount of the debt on the 1st of January, 1820.

All which is respectfully submitted.

WM. H. CRAWFORD.

TREASURY DEPARTMENT, February 4, 1820.

[The tabular statements of details, which are voluminous, are omitted.]

REMONSTRANCE AGAINST A CHANGE IN THE REVENUE SYSTEM.

[Communicated to the Senate, February 8, 1820.]

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled :

The undersigned, merchants and inhabitants of Baltimore, beg leave to present to your honorable body the sentiments which they anxiously entertain on the proposed measure of discontinuing credit on import duties and denying drawbacks on duties.

Your memorialists contemplate the proposed change with concern; and they would, indeed, view any such projected innovation with alarm if they did not believe that the mercantile interest is under watchful and wise control in your honorable body. A lenient system of imposts on foreign commerce is, in the opinion of your memorialists, not only conducive to active commerce, but also favorable to the public revenue: and under such a system the commerce of the United States has flourished, and the national Treasury has been enriched. For a course which hitherto has richly and faithfully answered every object of the laws, and every demand which the fiscal policy has made upon commerce, it is now proposed to substitute a system at once experimental, harsh, and precarious. Under the existing terms of the collection of duties, the United States have surely experienced but little cause for discontent; and your memorialists can, with the most confident anticipation, declare, that fewer evasions of law and fewer defaults in payment have taken place under the present system than what will occur under the rigid and peremptory conditions to which that system is proposed to be contracted. The exaction of duties hitherto, on principles liberal and prudent, and gradual and gentle in its operation, has afforded to industrious commercial enterprise the patronage which judicious policy owes to it. Such a patronage is vitally due to it in a country whose energies are excited and cultivated by commerce, whose power is in so great a degree the fruit of commerce, whose rank among nations owes to it so much of its elevation. The policy which pervades our present code of duties contemplates and adopts meritorious enterprise as part of the national wealth, and, viewing a free and extended commerce as the most bountiful source of revenue, and surest means of power, does not consecrate the field of commerce to the capitalist, and make it the monopoly of the rich.

The policy which now dignifies our system of duties assumes that principle of sterling truth, that all duties on imports are taxes on consumption; and hence, how fair and important is it that some time should be granted to the importer to convey to the consumer the articles of importation. Not only the custom, but the very nature of commerce requires, in almost every instance of sale, that at least some term of credit shall be afforded to the purchaser; and hence, some period must be allowed to the importer to levy the tax for the United States, and some estimate ought to be

made by our system of revenue of the delay of sales. In few or no cases does the credit on the duty exceed the period within which the capital can be realized, or recovered from suspense.

In the terms of those duties upon which a drawback is paid, the principle to which your memorialists allude appears to receive a more distinct and marked respect. The duty originally charged is there only contingent upon the stay and consumption of the articles in the country, and the term of credit there extended by the United States is the period to the importer for ascertaining whether they shall be appropriated for consumption or exported to a foreign quarter. Duties in these cases being thus contingent in the eye of our revenue policy, a credit is here not so much an indulgence to the importer as a necessary sequel from the nature of the duty. Must, then, all principle be here violated, and the intolerable severity be here prescribed by Government to the importer, that he shall enjoy no credit, however natural and essential an attendant it be on the duty charged against his importation? Your memorialists do believe as a maxim, safe as a guide, and propitious wherever it is applied, that not only by the dictate of the law, but, in every construction of policy, duties are emphatically a lien on the articles subjected to them; they attach to them, and should be gathered from them.

Where, in the collection of duties, the United States surrender to the importer the specific articles, their claim against him is not then embarked upon the conscience or substance of the individual importer; but two additional pledges are involved in the responsibility. Their means are bound, and the assurance of their character is given, all tributary to the demand of the United States. Interwoven with this strong defence, is that preferred claim which the United States has against the property of its debtor, a supreme prerogative lien, which thus furnishes a security calculated to elevate the United States almost above the danger of loss. The necessity which binds every importer to give to the Government such a security, while their discretion in considering it is unrestricted, would seem to be a sufficient guard against all importations destined for sacrifice, or to aid any wanton schemes of private finance; and your memorialists can scarcely imagine that, for premeditated sacrifice, any goods have been imported into this country. Your memorialists cannot conceive that, where a three-fold security, in fortune and commercial reputation, is required by the United States, as preliminary to the credit on duties, the indulgence of credit could prompt or facilitate any importations not in the course of honest industry. Commerce always tends to extremes; excesses of trading occur under all systems and in the freest periods of commercial prosperity. But if importation does sometimes swell until business stagnates, commerce has a power of self-correction and the resource of self-recovery, and reverses soon allay the intemperate ambition of gain.

Your memorialists need not, however, dwell upon the inherent energies of commerce, and its ebbs and flows; nor show how certainly, by the salu-

Remonstrance against a change in the Revenue System.

tary force of experience and competition, it is soon shorn of all inordinate adventure, built upon desperate or fanciful speculation. The present system of duties, although its indulgence, or rather its equity, is so necessary an auxiliary to the small commercial capital of the United States, has connived at and contributed to none of the irregularities of our commerce. All that have occurred may be explained by the late history of Europe, or traced to the very spirit of commerce itself, since fluctuation and irregularity are inseparable from its life and motion. Restriction may make commerce of smooth and uniform surface, but it cannot be so without being sluggish and shallow; and until commerce be so tamed by restriction and embarrassment, and become the privilege of the wealthy, it will be subject to irregularity and this inequality of character. Young as our country is, and far from being endowed with abundant commercial capital, the necessary consequence of the proposed alteration in the payment of the duties will be to consign commerce to the grasp of a few, expelling from the franchise of commerce, as it will, those who have but moderate means, although they be annexed to character and enterprise. This revolution in our revenue system will limit commerce to the circle of the capitalists; and commerce, the basis and pride of our fame, will dwindle into the diminutive condition, and fade into the pitiful character of a monopoly! Witness the fate of Spain! What if goods do now occasionally accumulate inordinately, and if regular calculating industry sometimes suffers by the careless sacrifices made by wanton speculators; will not the consumer, the whole mass of society, be subjected to severe and painful terms under the new system? Is there not more enormity in the danger that exorbitant prices will then be dictated by the select importers than ground of rational regret that prices have sunk while the existing system has prevailed? This is one of the sure results of the proposed change, and, though there be a pause in business now, commerce will ever be partial and inadequate then.

There is, indeed, one palliative against all restrictions which press on the very nerve of commerce, and, though the refuge be a profane one, your memorialists appeal to human nature, and the history of the commercial world, whether it be not certainly and invariably the resource, where commerce is severely confined. Your memorialists here allude to the practice of smuggling; and they make this allusion not only under perfect conviction, but with feelings of alarm. Your memorialists call on your honorable body to consider how far the universal fidelity of this country to the revenue law has been commensurate with the interest of the mercantile community, and with their sense of justice; and, though your memorialists do not mean to identify mercantile virtue with interest, yet, with many, even the justice of Government is measured by calculations of interest! Your memorialists beg you to reflect whether the proposed severity will not instigate delinquency; whether the revenue laws will not, in many instances, be evaded, with all the serious consequences of such

criminality, not only to the national morals, but also to the national Treasury.

Unless the United States can make a discrimination in the amount of duties between citizens and foreigners, no change in the terms of payment can ever exclude foreigners from competing with citizens, whenever such privileges belong to them. But they enter into the crowd of competition, and competition always regulates its own wholesome extent. Your memorialists on this point think it indisputable that the introduction of foreign capital into our country, by this foreign participation in our trade, has been of essential benefit—an important aid in the present inadequate amount of our own commercial capital.

Your memorialists beg you to reflect earnestly and feelingly on the subject of discontinuing drawbacks on duties, and to remember that the advantage of drawback is emphatically our license for conducting a carrying trade. It is to the benefits of this branch of trade that the United States principally owes all that rapid advancement which is at all attributable to commerce, and to this that it has hitherto been indebted for its pecuniary abilities. To extinguish drawbacks is at once a sentence of banishment against American merchants from a commercial sphere of the greatest national and individual profit. If the United States thus deprives us of all that remains to us of our former greatness in this branch of commerce, but a miserable fragment of commerce will continue to the American people! To abolish drawback will have this fatal effect; for what shall we meet but inevitable loss, if we venture into the competition of a foreign market with goods loaded with the gross duty, of which, by the judicious policy of our present system, we are now disencumbered? The question of drawback is indeed a vital question, and involves the vocation and prosperity of thousands whose pursuits, during a long and brilliant lapse of time, have been tributary to the treasure and renown of the Union.

When your memorialists consider that the present system of duties has pressed leniently upon American commerce, and has yet been richly and faithfully productive to the United States; when we consider that the proposed change of making duties payable in cash will imprison commerce within the limits of a dictatorial monopoly, whose members will by their wealth be constituted the representatives of the once universal American commerce; when we consider that the consumers, the great body of society, will be subjected to oppressive terms, which give an unfair proportion to their labor and their relation to the Government—when all this is, to the minds of your memorialists, the certain offspring of this paralyzing change, your memorialists ask you, not only in justice but humanity—not as the patrons of commerce, but as friends of your country—to forbear from this innovation.

Your memorialists, viewing the abolition of drawbacks as an excommunication from a trade which yielded so much to enrich and distinguish us, and which, in many points, does not in the remotest degree conflict with any imaginable

Public Receipts and Expenditures.

views of domestic policy, cannot but consider the discontinuance of drawback as a useless privation to the United States of commercial benefit, and a work of ruin to the individuals who depend on that trade which is fostered by the indulgence of drawback.

ISAAC McKIM, *and others.*

RECEIPTS AND EXPENDITURES.

[Communicated to the House of Representatives, February 16, 1820.]

DEPARTMENT OF STATE, *February 7, 1820.*

SIR: In obedience to a resolution of the House of Representatives of the 6th of January last, directing the Secretary of the Treasury to lay before the House "statements of the receipts and expenditures of the United States, from the commencement of the Federal Government until the 31st of December last, distinguishing the revenue derived from customs, internal taxes, direct tax, postage, public lands, and miscellaneous sources; and, also, classing the expenditures under the following heads: military, viz., pay and subsistence of the army, fortifications, ammunition, arms, arming the militia, detachments of militia, services of militia, services of volunteers; Indian Department; Naval Department; foreign intercourse; civil list; miscellaneous civil expenses; Revolutionary pensions; other pensions; exhibiting an aggregate of the receipts and expenditures for each year separately," I have the honor to submit the enclosed letter and statements from the Register of the Treasury, which give the information required.

I have the honor to be, your most obedient servant,

WM. H. CRAWFORD.

HON. SPEAKER of the House of Representatives.

TREASURY DEPARTMENT, REGISTER'S OFFICE, *February 4, 1820.*

SIR: I have the honor to transmit, herewith, a statement formed in pursuance of a resolution of the House of Representatives of the United States of the 6th ultimo, with accompanying documents, marked A, B, and C.

The receipts into the Treasury, from Customs, have been	- - - - -	\$318,738,161 02
Internal revenue	- - - - -	21,715,964 85
Direct taxes	- - - - -	12,560,130 45
Postage of letters	- - - - -	1,081,618 15
Sales of public lands	- - - - -	18,287,828 03
Miscellaneous	- - - - -	2,005,331 24
		<hr/> 374,389,033 74
The receipts from foreign and domestic loans, as per statement A, amount to	-	143,314,753 74
		<hr/>
Total receipts to the 30th June, 1819, the latest period to which the Treasurer's account is settled at the Treasury	- - - - -	\$517,703,787 48

The expenditures are stated, viz:

Pay and subsistence of the army	- - - - -	\$64,907,056 72
Pay of deranged officers and discharged soldiers	-	1,200,000 00
Gratuities and travelling expenses to discharged soldiers	-	70,000 00
Forage	- - - - -	1,192,892 78
Clothing	- - - - -	11,464,535 17
Bounties and premiums	- - - - -	4,684,636 48
Medical and hospital department	- - - - -	1,381,452 39
Quartermaster's department	- - - - -	16,834,434 39
Contingent account	- - - - -	2,790,182 80
Miscellaneous	- - - - -	485,967 91
		<hr/> \$105,011,158 64

For fortifications, viz:

Fortifications of ports and harbors	- - - - -	\$4,374,805 26
Fortifications, arsenals, magazines, and armories	-	2,729,512 76
Fortifications	- - - - -	3,678,721 30
Defensive protection of the frontiers	- - - - -	1,270,029 83
		<hr/> 12,053,069 15

Banks and the Currency.

Ammunition	-	-	-	-	-	-	-	-	-	\$217,425	90
Arms	-	-	-	-	-	-	-	-	-	9,061,095	53
Arming the militia	-	-	-	-	-	-	-	-	-	2,020,000	00
Detachment of militia	-	-	-	-	-	-	-	-	-	170,000	00
Services of militia	-	-	-	-	-	-	-	-	-	6,308,377	73
Services of volunteers	-	-	-	-	-	-	-	-	-	1,090,000	00
										\$135,931,126	95

Indian Department, viz :

Indian supplies	-	-	-	-	-	-	-	-	-	2,615,429	46
Treaties	-	-	-	-	-	-	-	-	-	1,562,621	51
Trading houses	-	-	-	-	-	-	-	-	-	523,701	79
										4,701,752	76
Naval Department	-	-	-	-	-	-	-	-	-	65,932,670	32

Foreign intercourse, viz :

Expenses of foreign intercourse, exclusive of Barbary Powers, and including the sum of \$6,389,263 47 paid under the convention with Great Britain of the 8th of January, 1802, and with France of 30th April, 1803, - - - - -											
Barbary Powers	-	-	-	-	-	-	-	-	-	12,003,988	73
										2,651,545	84
										14,655,534	57
Civil list, including the sum of \$24,030 19, the amount of annuities and grants	-	-	-	-	-	-	-	-	-	19,381,963	83
Miscellaneous civil expenses, including the sum of \$43,493 71, the amount of annuities and grants	-	-	-	-	-	-	-	-	-	16,352,960	78
Revolutionary pensions	-	-	-	-	-	-	-	-	-	300,000	00
Other pensions	-	-	-	-	-	-	-	-	-	3,253,245	38
										260,509,263	59
To which add the expenditures in relation to the payment of the interest and charges on the foreign loans, and principal of the foreign and domestic debt at the Treasury of the United States, and by the commissioners abroad, as per statement B, - - - - -											
										252,741,575	80
And the expenditures on account of the Revolutionary Government, as per statement C, - - - - -											
										316,268	70
										513,567,108	09
Sum total of expenditures from the 4th March, 1789, to the 30th June, 1819, - - - - -											
Which, with the balance in the Treasury on the 30th June, 1819, - - - - -										4,136,679	39
										517,703,787	48
Make the sum total of receipts as before stated - - - - -											

Similar statements having heretofore been rendered, under dates of 31st March, 1810, 24th December, 1812, and 20th January, 1816, by orders of the House of Representatives of the United States, those now formed are a continuation in the same form, and only vary in a distribution of expenditure to objects which had, in some instances, been incorporated under the general head of military establishment, particularly in the recent call of the House to distinguish the Revolutionary and other pensions.

For the purpose of exhibiting the expenditures for the whole of the year 1819, those from 1st July to 31st December are added at foot, subject to variation in the settlement of the Treasurer's accounts to the 31st December, 1819. It was found that we could not render the receipts to a later period than the 30th June last.

I have the honor to be, sir, your most obedient servant,

JOSEPH NOURSE, *Register.*

Hon. WM. H. CRAWFORD, *Secretary of the Treasury.*

[The accompanying tables, showing the details, being voluminous, are necessarily omitted.]

BANKS AND THE CURRENCY.

[Communicated to the House of Representatives, February 24, 1820.]

TREASURY DEPARTMENT, *February 12, 1820.*

SIR: In obedience to a resolution of the House of Representatives, passed on the 1st of March, 1819, directing "the Secretary of the Treasury to transmit to Congress, at an early period in the next session, a general statement of the condition of the Bank of the United States and its offices, similar to the return made to him by the bank; and a statement, exhibiting, as nearly as may be practicable, the amount of capital invested in the different chartered banks in the several States and the District of Columbia, the amount of notes issued by those banks and in circulation, the pub-

Banks and the Currency.

lic and private deposits in them, the amount of loans and discounts made by them and remaining unpaid, and the total quantity of specie they possess; and, also, to report such measures as, in his opinion, may be expedient to procure and retain a sufficient quantity of gold and silver coin in the United States, or to supply a circulating medium, in place of specie, adapted to the exigencies of the country, and within the power of the Government," I have the honor to submit the subjoined report and statements.

Statement A exhibits the condition of the Bank of the United States and its offices on the 30th of September, 1819.

Statement B exhibits the amount of bank capital authorized by law during the years 1814, 1815, 1816, and 1817. As this statement is founded upon the applications made to the Treasury under the acts imposing stamp duties, it is believed to be substantially correct. The average dividends upon which the stamp duty was paid, during those years, amounted to about seven and a half per cent. upon the nominal amount of capital; it is, however, a matter of general notoriety that the dividends upon bank capital actually paid exceeded that rate. If it is assumed that the dividends declared, and upon which the duty was paid, amounted during those years to ten per cent., then the capital actually paid in the year 1817, instead of being more than \$125,000,000, as it is exhibited in statement B, will be found to be about \$94,000,000; but, when it is recollected that, after the first payment required by the charters of the different banks, they have generally gone into operation, it is probable that a considerable proportion of the remaining payments have added nothing to their active capital. This fact being assumed, and a deduction being made of the amount of permanent accommodation enjoyed by the stockholders, in their respective banks, the active bank capital of the United States may be fairly estimated at a sum not exceeding \$75,000,000. That these deductions ought to be made, in an attempt to ascertain the real amount of bank capital, cannot, it is presumed, be contested. If a stockholder to the amount of \$10,000 has a permanent accommodation in the bank of \$8,000, he has, in fact, but \$2,000 of capital in the bank. This is equally true when a portion of his subscription has been paid with his own note, however well endorsed; so long as the note remains unpaid, it adds nothing to the real capital of the bank.

Such, it is believed, has been the process by which the capital of most of the banks has been formed, which have been incorporated since the commencement of the late war. Since that period, banks have been incorporated, not because there was capital seeking investment; not because the places where they were established had commerce and manufactures which required their fostering aid; but because men without active capital wanted the means of obtaining loans, which their standing in the community would not command from banks or individuals having real capital and established credit. Hence the multiplicity of local

banks, scattered over the face of the country, in particular parts of the Union, which, by the depreciation of their paper, have levied a tax upon the communities within the pale of their influence exceeding the public contributions paid by them.

Statement C presents the condition of the State banks from which returns have been received, or have been transmitted by the Secretaries of State of different States, in conformity with the request of the Treasury Department. By comparing this statement with statement B, it will be perceived that it is very imperfect. Independently of the banks which have been created since the year 1817, it will be discovered that bank capital to the amount of more than \$18,000,000, comprehended in statement B, is not embraced in it. As the amount of bank capital exhibited in statement C is \$72,000,000, and its specie \$9,828,000, the whole specie possessed by the State banks may be estimated at \$12,250,000; if to this sum be added the specie in the possession of the Bank of the United States and its offices, the specie capital of all the banks in the United States may be estimated at \$15,500,000. There are no means of ascertaining, with any degree of precision, the amount of specie in circulation; it is probable, however, that it does not exceed \$4,500,000. Assuming this amount to be nearly correct, the whole metallic currency of the Union may be estimated at \$20,000,000. Applying the same rule for ascertaining the circulation of the banks not embraced by statement C which has been employed to determine their specie, the whole amount of bank notes in circulation may be estimated at \$46,000,000. It is probable, however, that this estimate is too high, as, according to the general practice of banks, all notes issued are considered in circulation, which are not in the possession of the bank by which they were issued. A reasonable deduction being made from the notes supposed to be in circulation, but which are, in fact, in the possession of other banks, it is probable that the actual circulation, both of paper and specie, is less at this time than \$45,000,000. By the same mode of calculation, the whole amount of discounts may be estimated at \$156,000,000.

The destruction or loss of the returns made to the Treasury before the year 1816, by the banks in which the public money was deposited, prevents any satisfactory comparison being drawn between their condition before and since that period. Comparative statements, however, have been received from sixteen banks in different parts of the Union, showing their situation on the 30th day of September, in the years 1813, 1815, and 1819. By statement D, it appears that those banks, at the first period, with a capital of \$6,903,262, and with \$3,059,149 of specie in their vaults, circulated \$6,845,344 of their notes, and discounted to the amount of \$12,990,975; at the second period their capital was \$8,852,371, specie \$1,693,918, circulation \$9,944,757, and discounts \$15,727,118; and at the third period their capital was \$9,711,960, specie \$1,726,065, circulation \$4,259,234, and discounts \$12,959,560.

By statement B, already referred to, it has been shown that, in the year 1814, the nominal bank

Banks and the Currency.

capital in the United States exceeded \$80,000,000. It is understood that a large addition was made to it in that year in several of the States. If it be admitted that such addition amounted to \$15,000,000, the bank capital in operation in the year 1813 may be stated at \$65,000,000. Allowing to this capital the same amount of specie, circulation, and discounts, as was comparatively possessed by the banks comprehended in statement D, the estimate will be, specie \$28,000,000, circulation \$62,000,000, and discounts \$117,000,000. In 1815 the bank capital had increased to \$88,000,000; whilst, upon the same principle of calculation, the specie would have been estimated at \$16,500,000, circulation at \$99,000,000, and discounts at \$150,000,000. Applying this principle to the \$125,000,000 of bank capital in operation during the year 1819, the specie possessed by all the banks would amount to \$21,500,000, circulation \$53,000,000, and discounts \$157,000,000.

These last results, with the exception of the discounts, very materially differ from those which have been obtained by the mode of calculation previously adopted; they, nevertheless, furnish materials which may be useful in the progress of this inquiry. From them the following deductions may be drawn :

1st. That, in the year 1813, the circulation of bank notes was nearly equal to the bank capital.

2d. That, in the year 1815, it exceeded the capital by one-eighth.

3d. That, in the year 1819, it was less than the capital nearly in the proportion of 1 to 2.5.

4th. That, whilst the amount of bank capital has increased since 1813 from sixty-five to one hundred and twenty-five millions, the metallic basis, upon which the circulation of notes is founded, has decreased in the proportion of 15.5 to 28; being equal to 44.6 per cent.

5th. That the circulation of notes in the year 1819, in proportion to the specie in the possession of the banks, exceeded that of 1813 by 25.9 per cent.

6th. That, in the year 1813, the discounts, in proportion to the bank capital employed, exceeded those of 1815 in the ratio of 18 to 17, and those of 1819 in the ratio of 18 to 12.

7th. That the increase of bank notes in circulation, between the years 1813 and 1815, exceeded the increase of discounts during the same period by \$4,000,000; whilst the specie in the vaults of the banks was diminished \$11,000,000.

8th. That whilst, between the years 1815 and 1819, an addition of \$37,000,000 has been made to the nominal bank capital, but \$6,000,000 have been added to the aggregate amount of discounts.

It is probable that, between the year 1811 and the year 1813, a considerable addition was made to the paper circulation of the country. From a return of the former Bank of the United States, made to the Treasury in 1808, it appears that, with \$15,300,000 of specie, is circulated only \$4,787,000 of notes. Another return made in 1810 shows its condition was not materially changed. Shortly after the expiration of its charter, bank capital, to a great amount, was incorporated in some of the

States. The expenditures produced by the war which was declared in 1812, without doubt, contributed, in some degree, to produce the difference between the condition of the sixteen banks already referred to, and that of the former Bank of the United States. If it be admitted, however, that the circulation in 1813 was not redundant, it must have become excessive in 1815. An increase of the currency, in the space of two years, in the proportion of 99 to 62, even if it had been wholly metallic, could not have failed to have produced a very great depreciation; but, when it is considered that not only the increase, but the whole circulation, consisted of paper not convertible into specie, some idea of its depreciation may be formed. The depreciation, however, was not uniform in every part of the Union. The variation in the degree of depreciation depended not only upon the greater issues of banks in one section of the nation than in others, but also upon the local advantages which they enjoyed as to commerce. It is impossible to determine, with precision, where the most excessive issue of bank notes occurred. Statement E, which exhibits the rate of exchange between the principal cities to the east of this place and London, and the price of bills at New York upon Boston, Philadelphia, and Baltimore, during the years 1813, 1814, 1815, and 1816, may be considered presumptive evidence of that fact. So far as it can be relied upon for that purpose, Baltimore was the point of greatest depreciation among the above-mentioned places. This is probably true; as it is known that the banks in that place made greater advances to the Government in the loans which it obtained during the late war, in proportion to their capital, than those of Philadelphia, New York, and Boston. But the greatest depreciation of the currency existed in the interior States, where the issues were not only excessive, but where their relation to the commercial cities greatly aggravated the effects of that excess.

This statement may also assist in explaining the cause of the necessity which existed in 1814 for the suspension of specie payments by the banks. From the commencement of the war until that event, a large amount of specie was taken out of the United States by the sale of English Government bills, at a discount frequently of from 15 to 20 per cent. Immediately after the suspension, they commanded a premium in those places where the banks had suspended payment, which gradually rose to 20 per cent.; while at Boston they remained at a discount of about 14 per cent. until February, 1815.

Whatever may have been the degree of depreciation of the currency in 1815, it continued to augment throughout the first six months of the year 1816, if the rate of exchange with London is considered conclusive evidence of that fact. The excessive importations of British merchandise during that period, and in the preceding year, might indeed account for the increase of premium paid upon sterling bills, and was, probably, one of the principal causes of it. The great fluctuations which occurred in the latter part of that period furnish some reason, however, for ascribing them,

Banks and the Currency.

in some degree, to changes in the value of the currency in which their price was calculated rather than to the ordinary principles of exchange. It is more probable that the currency, in those places where it was not convertible into specie, fluctuated in value according to the efforts which were made, in particular places, to prepare for the resumption of specie payments, than that the balance of payments between the two countries should have varied to such an extent as is indicated by the sudden variations which occurred during that period in the rate of exchange. So far as these fluctuations are ascribable to the currency in which the rate of exchange was determined, a considerable appreciation of that currency took place in the last months of the year 1816. From that period until the present time, the circulation has rapidly diminished; and all the evils incident to a decreasing currency have been felt in every part of the Union, except in some of the Eastern States.

If, as previously stated, the circulation of 1813 be admitted to be the amount required to effect the exchanges of the community with facility and advantage, and that, in the year 1815, that circulation was extended to \$99,000,000, (which was, in some degree, augmented in 1816,) the extent of the diminution of the currency, in the space of three years, may be perceived. But it is probable that the currency in 1815 exceeded \$99,000,000. The banks, upon whose situation that estimate is founded, were established at a period when the practice of dispensing with the payment of those portions of their capital falling due after they went into operation had not been generally introduced. Some of them did not suspend specie payments during the general suspension. The rest were among the first to resume them, and have continued them to the present time. It cannot be expected that banks which went into operation during the war, and after the general suspension had occurred, were conducted with an equal degree of prudence and circumspection. A reasonable allowance being made for bank notes supposed to be in circulation at that period, but which were, in fact, in the possession of other banks, and for the excess of issues beyond the estimate, the circulation may, it is believed, be safely calculated at not less than \$110,000,000. The paper circulation in 1813 has been estimated at \$62,000,000. At that period, however, gold and silver formed a substantial part of the currency. The condition of the old Bank of the United States in 1810, and of the sixteen banks in 1813, proves that the demand for specie from the vaults of the banks was inconsiderable. It is therefore probable that the whole circulation of 1813 amounted to \$70,000,000. In 1815, it is estimated to have risen to \$110,000,000; and this amount was probably augmented in 1816. At the close of 1819, it has been estimated, upon data believed to be substantially correct, at \$45,000,000. According to these estimates, the currency of the United States has, in the space of three years, been reduced from \$110,000,000 to \$45,000,000. This reduction exceeds 59 per cent. of the whole circulation of 1815.

The fact that the currency in 1815 and 1816 was depreciated has not sensibly diminished the effect upon the community of this great and sudden reduction. Whatever was the degree of its depreciation, it was still the measure of value. It determined the price of labor, and of all the property of the community. A change so violent could not fail, under the most favorable auspices in other respects, to produce much distress, to check the ardor of enterprise, and seriously to affect the productive energies of the nation. The reduction was, in fact, commenced under favorable auspices. During the year 1817, and the greater part of 1818, all the surplus produce of the country commanded in foreign markets higher prices than ordinary. The rate of foreign exchange afforded no inducement for the exportation of specie, for the purpose of discharging debts previously contracted. The only drain to which the metallic currency was subject was the demand for it for the prosecution of the trade to the East Indies and to China. In this trade, specie being the principal commodity, and indispensable to its prosecution, the amount exported during those years was very great, and seriously affected the amount of circulation, by compelling the banks to diminish their discounts.

Notwithstanding the drain for this commerce during these years was unusually large, every other circumstance was favorable to the restoration of the currency to a sound state, with the least possible distress to the community. The capacity of the country to discharge a large portion of the debts contracted with banks, and which had occasioned their excessive issues, was greater than at any former period, and than it probably will be again for a lapse of successive years. The effort to reduce the amount of currency during those years, though successful to a considerable degree, was not pursued with sufficient earnestness. In the latter part of 1818, when the price of the principal articles of American production had fallen nearly 50 per cent. in foreign markets, when the merchant needed the aid of additional loans to sustain him against the losses which he had incurred by the sudden reduction in the price of the commodities he had exported, he was called upon to discharge loans previously contracted. The agriculturist, who saw his income reduced below his indispensable necessities; the manufacturer, who was not only struggling against foreign competition, but who saw the sale of his manufactures reduced, by the incapacity of his customers to buy; in fact, all classes of the community, under circumstances so adverse to the command of funds, were subjected to curtailment wherever they had obtained discounts.

All intelligent writers upon currency agree that where it is decreasing in amount, poverty and misery must prevail. The correctness of the opinion is too manifest to require proof. The united voice of the nation attests its accuracy. As there is no recorded example in the history of nations of a reduction of the currency so rapid and so extensive, so but few examples have occurred of distress so general and so severe as that which has been exhibited in the United States. To the evils

Banks and the Currency.

of a decreasing currency are superadded those of a deficient currency. But, notwithstanding it is deficient, it is still depreciated. In several of the States the great mass of the circulation is not even ostensibly convertible into specie at the will of the holder. During the greater part of the time that has elapsed since the resumption of specie payments, the convertibility of bank notes into specie has been rather nominal than real in the largest portion of the Union. On the part of the banks, mutual weakness had produced mutual forbearance. The extensive diffusion of bank stock among the great body of the citizens, in most of the States, had produced the same forbearance among individuals. To demand specie of the banks, when it was known they were unable to pay, was to destroy their own interests, by destroying the credit of the banks in which the productive portion of their property was invested. In favor of forbearance was also added the influence of the great mass of bank debtors. Every dollar in specie drawn out of the banks, especially for exportation, induced the necessity of curtailments. To this portion of the community all other evils were light when compared with the imperious demands of banks. Their exertions to prevent the drain of specie in the possession of those who controlled their destiny equalled the magnitude of the evils which were to be avoided. In most parts of the Union this forced state of things is passing away. The convertibility of bank notes into specie is becoming real wherever it is ostensible. If public opinion does not correct the evil in those States where this convertibility is not even ostensible, it will be the imperious duty of those who are invested with the power of correction to apply the appropriate remedy.

As the currency is, at least in some parts of the Union, depreciated, it must in those parts suffer a further reduction before it becomes sound. The nation must continue to suffer until this is effected. After the currency shall be reduced to the amount which, when the present quantity of the precious metals is distributed among the various nations of the world, in proportion to their respective exchangeable values, shall be assigned to the United States; when time shall have regulated the price of labor and of commodities, according to that amount; and when pre-existing engagements shall have been adjusted, the sufferings from a depreciated, decreasing, and deficient currency will be terminated. Individual and public prosperity will gradually revive, and the productive energies of the nation resume their accustomed activity. But new changes in the currency, and circumstances adverse to the perpetuity of the general prosperity, may reasonably be expected to occur. So far as these changes depend upon the currency, their recurrence, to an extent sufficient to disturb the prosperity of the nation, would be effectually prevented, if it could be rendered purely metallic. In that event, we should always retain that proportion of the precious metals which our exchangeable commodities bear to those of other nations. The currency would seldom be either redundant or deficient to an extent that would seriously affect

the interests of society. But when the currency is metallic, and paper convertible into specie, changes to such an extent, it is believed, will frequently occur.

The establishment of banks which are restrained from issuing notes of small denominations furnishes great facilities for the transmission of money, and increases the efficiency of the capital subject to their control to the extent of the credit employed by them. The degree of facility afforded by them for the transportation or transmission of money depends upon the extent of country within which their notes circulate, and preserve a value equivalent to specie. Ordinarily, this extent is determined by the interior trade of the country; they will circulate through the whole extent of country, the produce of which is carried for sale to the place of their establishment. If they are established only in the principal commercial city of the nation, their notes will circulate through the whole extent of its territory, and afford the greatest possible facility for the transmission of money. If they are established in several of the commercial cities, their circulation will be circumscribed by the sections of country the inhabitants of which trade to those cities. The facility for transmitting money will be diminished by their establishment. But if banks should be established in all the interior towns, this facility would be impaired to a still greater degree. In that event, their notes would circulate within very narrow limits; but, within those limits, the notes of the banks in the commercial cities would no longer form part of the circulation. Should they, by accident, be carried within it, the first individual having remittances to make, and into whose hands they might come, would use them for that purpose.

The degree of credit which a bank can employ, in proportion to its capital, depends upon a variety of circumstances. If the community repose great confidence in the prudence and integrity of those who direct its concerns; if the capital employed be small in proportion to the demand for the transmission of money; if there be no other bank whose local situation repels its circulation from those sections of the country, the produce of which is ultimately carried to the place where it is established, the credit which it will be able to employ will be very great. Where all these facilities are wanting, the extent of the credit which it will employ will be very inconsiderable. The additional efficiency which, in the latter case, will be imparted to capital invested in banks, will not, it is believed, countervail the evils which necessarily result from their establishment.

Among the advantages which have been supposed most strongly to recommend their establishment, especially in a community whose resources are rapidly expanding, their capacity suddenly to increase the currency to the utmost demand for it has been considered the most important.

In a country where the currency is purely metallic, no considerable addition can be made to it without giving, at the time of its acquisition, articles in exchange of equal value. No addition

Banks and the Currency.

can be made to the currency without affecting, to the extent of such addition, the enjoyments of the community. The amount so added will, to the same extent, diminish the quantity of articles which would otherwise be imported into the country for domestic consumption, or for re-exportation.

Ordinarily, the currency of one country will not be exported to another, because its value in every country is nearly the same. It will not, therefore, like other commodities, command a commercial profit upon exportation. It will be taken from one country to another only when the price of commodities in the former is so high as to produce a loss in the latter equal to the expense of transporting specie. It is this condition, annexed to every acquisition to the currency of a State, when it is purely metallic, of diminishing, to the same extent, the enjoyments of the community, which affords the most efficient protection against its becoming redundant. It is equally efficient in guarding against a deficiency, to an extent that can seriously affect the interest of the community. But this condition is not annexed to the increase of the currency by the issue of bank notes, even when convertible into specie. The notes by which the currency is suddenly augmented do not, in any degree, diminish the enjoyments of the community. No equivalent is, by such issue, transferred to another community, as is invariably done when an acquisition is made to a metallic currency. Whenever the currency can be augmented, exempt from such transfer, it must be subject to some degree of fluctuation in quantity. Every addition made to the currency by the issue of bank notes changes the relation which previously existed between the amount of the currency and the amount of the commodities which are to be exchanged through its agency. Their issue depends not upon receiving in exchange articles of equal value, but upon a pledge of the credit of one or more individuals to the amount of such issue. No evil can result to the community from the advance of the capital of a bank in exchange for the credit of individuals. In that case, no addition is made to the amount of the currency previously in circulation. It is perfectly immaterial to society whether this capital be lent by individuals or by corporations. The relation between the currency and the exchangeable commodities of the State is not disturbed. But, when their credit is greatly extended, the currency is expanded, and that relation is deranged. An expansion of the currency, through the agency of banks, will generally occur only in periods of prosperity. During such periods, enterprise will be fostered, industry stimulated, and the comfort and happiness of the people advanced, without the factitious aid of an expansive currency. But there can be no doubt that a sudden increase of the currency, during periods of prosperity, through the agency of bank issues, gives additional force and activity to the national enterprise. Such an increase will be followed by a general rise in the value of all articles, especially of those which cannot be exported. The price of lands, houses, and public stock, will be augmented in a greater degree than if no such increase had taken place.

If these prices could be maintained, if they could even be protected against sudden reduction, they would be cause of gratulation rather than of complaint. But the expansion of the currency, by the issue of paper, in a period of prosperity, will inevitably be succeeded by its contraction in periods of adversity. The extent to which the currency may be contracted, through the agency of banks, depends upon the use which they may have made of their credit. The excess of their discounts beyond their capital actually paid determines the amount of the credit which they have employed. Thus, in 1813, the capital of the banks in the United States has been estimated at \$65,000,000, and their discounts at \$117,000,000. The extent to which their credit was then employed was \$52,000,000. Their circulation, the same period, has been estimated at \$32,000,000. In this estimate no allowance was made for notes stated to be in circulation, but which were probably in the possession of other banks. A reasonable deduction being made on that account, it is probable that the paper circulation did not much exceed \$52,000,000. But the liability of the banks for specie was equal to the whole amount of notes represented to be in circulation, besides the individual deposits. To meet an immediate demand, they are estimated to have had \$28,000,000 in specie. If the deposits of individuals should be estimated at \$18,000,000, their ultimate means of meeting the demand of \$62,000,000, without sacrificing their capital, would consist of \$10,000,000 in specie, and \$52,000,000 secured by the notes of individuals; this sum being the excess of their discounts over their capital. Under ordinary circumstances, the basis upon which the credit of this circulation rested might be considered sufficient to sustain it. A debt of \$117,000,000 could not, under the most adverse circumstances, be considered inadequate to meet one of \$52,000,000. But, in the case of currency, the capacity of ultimate redemption is not sufficient. The capacity to redeem it as it is presented is indispensable. Whenever the public confidence in this capacity is impaired, an immediate demand for specie will be created; and, if it is not promptly met, depreciation will ensue. But, even in circumstances in some degree adverse to the operations of banks, if their discounts consisted principally of notes founded upon real transactions, in which the idea of renewal was excluded, and if specie formed a considerable proportion of the circulation, the capacity of the banks to meet the demands upon them for specie might have been sufficient to sustain the credit of the currency. If, on the other hand, the debts due to the banks consisted chiefly of fixed or permanent loans, generally denominated accommodation paper; if specie had been banished from circulation, by the issue of dollar notes, the suspension of payment by the banks could not fail to be the result of any considerable pressure upon them for specie. In the former case, as their notes should be withdrawn from circulation, they would gradually be reduced to the demand for them for the transmission of money. If the effort to withdraw them should be continued beyond that point, specie

Banks and the Currency.

would be paid into the banks by their debtors, in preference to bank notes; and the just proportion between the paper circulation and the specie in their vaults would be promptly restored. In the latter case, as the debts due to the banks would not, according to the understanding of the parties, become due at short intervals, the only mode of meeting the increasing demands upon them for specie would be to require of the whole mass of debtors the payment of a fixed proportion of the sums due by them. As the circumstances which would require this measure, on the part of the banks, would generally affect the community in the same degree, the capacity of their debtors to meet this demand would generally be found to be in an inverse ratio to the demand. The demand itself, being inconsistent with the impression under which the debt was contracted, would be resisted in every case where the interest of the debtor would be subserved by delay. As specie formed but an inconsiderable part of the currency, the reduction of the paper circulation would have to be carried to a greater extent than in the former case. A just proportion between the paper circulation, and the specie necessary to support it, could be obtained only by the positive reduction of the former, as it would be impracticable to increase the latter, while the demand continued. Under such circumstances, the suspension of payment would be the probable result.

Such, in fact, were the circumstances under which the suspension in 1814 occurred.

The injudicious multiplication of banks, where capital in that form, to some extent, might have been useful; the establishment of them where they could only be injurious; the permission to issue dollar notes, by which specie was banished from circulation; and the demand for specie for exportation, which existed during the years 1813 and 1814, imposed upon the banks in the Middle, Southern, and Western States the necessity of suspending payment. A longer effort to discharge their notes in specie would not only have been ineffectual, but would certainly have postponed, to a more remote period, the resumption of specie payments. The evils which have resulted to the community from that suspension have certainly been great; but it may well be doubted whether others of equal magnitude would not have been suffered, if that event had not occurred. The extent to which the currency must have been reduced, in order to have avoided the suspension, could not have failed, at any period, to produce great embarrassment and distress to the community. But, in a time of war, when the country was invaded; when the public safety required that the energies of the nation should be fully developed, a sudden and extensive reduction of the currency, by any cause whatever, would have been fatal. Under such circumstances, the demand for currency would have been too imperious to be resisted. It would, from necessity, have been supplied by the issue of Treasury notes.

The fact that, in a small portion of the Union, specie payments were continued, cannot be admitted as evidence that it was practicable throughout

the nation. In that part of the country, the extensive bank issues consequent upon loans to the Government in the Middle States had not occurred. Foreign trade, which, in the other parts of the Union was nearly annihilated, still preserved there a languid existence, through the permission or connivance of the enemy. These circumstances could not fail to enable the banks in the Eastern States to continue specie payments longer than those of the Middle, Southern, and Western States. In an effort to preserve their credit, they would, inevitably, be the last which would fail. In such a struggle, however, they must have failed, had not the circulation of the paper of their weaker neighbors and the issues of Treasury notes come to their aid. But for this adventitious assistance, wholly unconnected with the wisdom and foresight of their directors, specie payments must have been suspended there, or the best interests of the community have been sacrificed. From that period, until the resumption of specie payments in the early part of 1817, Treasury notes, and the notes of the banks which had suspended payment, formed the great mass of the circulation in the eastern part of the Union. Specie, or the notes of banks which continued to pay specie, formed no part of the receipts of the Government in Boston and the districts east of that town, until about the close of the year 1816.

In all great exigencies, which, in the course of human events, may be expected to arise in every nation, the suspension of payment by banks, where the circulation consists principally of bank notes, is one of the evils which ought to be considered as the inevitable consequence of their establishment. Even in countries where paper does not form the principal part of the circulation, such an event will sometimes happen. In the year 1797, when the restriction was imposed upon the Bank of England, the average of its circulation for several successive years was about £10,000,000 sterling, whilst the metallic currency was estimated at £30,000,000. Yet, in that country, whose trade in time of war, through the protection of its fleets, was rather expanded than contracted, it was found necessary to authorize the bank to suspend payment; which suspension, after a lapse of twenty-three years, still continues. When the existence of banks depends upon the authority which regulates the currency, it may be practicable to impose salutary checks against excessive issues of paper during suspension, and, in some degree, to guard against an excessive depreciation of the currency. But, where these institutions are created by an authority having no power to regulate the currency, and especially where they are created by a great variety of authorities independent of each other, and practically incapable of acting in concert, it is manifest that no such checks or restraints can be imposed. It is impossible to imagine a currency more vicious than that which depends upon the will of nearly four hundred banks, entirely independent of each other, when released from all restraint against excessive issues. By the term currency, the issue of paper by Government, as a financial resource, is excluded.

Banks and the Currency.

Even such an issue, in a State where the reign of law is firmly established, and public opinion controls the public councils, would be preferable to a currency similar to that which existed in some parts of the United States during the general suspension, and which now exists in some of the States. This truth has been practically demonstrated by the redemption of the whole of the Treasury notes issued during the war, within the short space of about two years after the peace; whilst a large amount of bank notes issued during the suspension are yet unredeemed, and greatly depreciated.

There can be no doubt that a metallic currency, connected with a paper circulation, convertible into specie, and not exceeding the demand for the facile transmission of money, is the most convenient that can be devised. When the paper circulation exceeds that demand, the metallic currency, to the amount of the excess, will be exported, and a liability to sudden fluctuations to the same extent will be produced.

If banks were established only in the principal commercial cities of each State; if they were restrained from the issue of notes of small denominations; if they should retain an absolute control over one-half of their capital, and the whole of the credit which they employ, by discounting to that amount nothing but transaction paper payable at short dates, the credit and stability of the banks would at least be unquestionable. Their notes could always be redeemed in specie, on demand. The remaining part of their capital might be advanced upon long credits to manufacturers, and even to agriculturists, without the danger of being under the necessity of calling upon such debtors to contribute to their relief if emergencies should occur. Such debtors are, in fact, unable to meet sudden exigencies, and ought never to accept of advances from banks but upon long credits, for which timely provision may be made. The latter class, of all others, is the least qualified to meet the sudden demands which a pressure upon banks compels them to make upon their debtors. The returns of capital invested in agriculture are too slow and distant to justify engagements with banks, except upon long credits. If the payment of the principal should be demanded at other periods than those at which the husbandman receives the annual reward of his toil, the distress which would result from the exaction would greatly outweigh any benefit which was anticipated from the loan. That the establishment of banks in agricultural districts has greatly improved the general appearance of the country, is not denied. Comfortable mansions and spacious barns have been erected; lands have been cleared and reduced to cultivation; farms have been stocked and rendered more productive, by the aid of bank credits; but these improvements will eventually be found, in most cases, to effect the ruin of the proprietor. The farm, with its improvements, will frequently prove unequal to the discharge of the debts incurred in its embellishment. Such, in fact, is the actual or apprehended state of things wherever banks have been established in the small

inland towns and villages. Poverty and distress are impending over the heads of most of those who have attempted to improve their farms by the aid of bank credits. So general is this distress, that the principal attention of the State Legislatures, where the evil exists, is, at this moment, directed to the adoption of measures calculated to rescue their fellow-citizens from the inevitable effects of their own indiscretion. If, in affording a shield to the debtor against the legal demand of his creditor, the axe shall be applied to the root of the evil, by the annihilation of banks where they ought never to have existed, the interference, however doubtful in point of policy or principle, may eventually be productive of more good than evil.

The general system of credit which has been introduced through the agency of banks, brought home to every man's door, has produced a factitious state of things, extremely adverse to the sober, frugal, and industrious habits which ought to be cherished in a republic. In the place of these virtues, extravagance, idleness, and the spirit of gambling adventure have been engendered and fostered by our institutions. So far as these evils have been produced by the establishment of banks where they are not required, by the omission to impose upon them wholesome restraints, and by the ignorance or misconduct of those who have been intrusted with their direction, they are believed to be beyond the control of the Federal Government. Since the resumption of specie payments, measures have been adopted in some of the States to enforce their continuance; in others, the evil has been left to the correction of public opinion. There is, however, some reason to apprehend that the authority of law may be interposed in support of the circulation of notes not convertible into specie.

But the Federal Government has, by its measures, in some degree, contributed to the spirit of speculation and of adventurous enterprise which, at this moment, so strongly characterizes the citizens of this Republic. The system of credit, which in the infancy of our commerce was indispensable to its prosperity, if not to its existence, has been extended at a period when the dictates of sound discretion seemed to require that it should be shortened. The credit given upon the sale of the national domain has diffused this spirit of speculation and of inordinate enterprise among the great mass of our citizens. The public lands are purchased, and splendid towns erected upon them, with bank credits. Every thing is artificial. The rich inhabitant of the commercial cities and the tenant of the forest differ only in the object of their pursuit. Whether commerce, splendid mansions, or public lands be the object of desire, the means by which the gratification is to be secured are bank credits.

This state of things is no less unfriendly to the duration of our republican institutions than it is adverse to the development of our national energies when great emergencies shall arise; for, upon such occasions, the attention of the citizen will be directed to the preservation of his property from the grasp of his creditors, instead of being devoted to the defence of his country; instead of being able

Banks and the Currency.

to pay with promptitude the contributions necessary to the preservation of the State, he will be induced to claim the interference of the Government, to protect him against the effects of his folly and extravagance.

This ought not to be the condition of a republic when menaced by foreign force or domestic commotion. Such, it is apprehended, will be the condition of the United States, if the course which has been pursued since the commencement of the late war be not abandoned. Since that period, it is believed, the number of banks in the United States has been more than doubled. They have been established in the little inland towns and villages, and have brought distress and ruin upon the inhabitants. When the cause and the extent of the evil are known, no doubt is entertained that the appropriate remedies will be applied by those who, in our complex form of government, are invested with the necessary authority.

But the resolution requires the Secretary of the Treasury "to report such measures as, in his opinion, may be expedient to procure and retain a sufficient quantity of gold and silver coin in the United States."

It has already been suggested, that, if the currency were purely metallic, or connected with paper convertible into specie, to the extent only of the demand for the transmission of money, the United States would retain a proportion of the precious metals which the value of their exchangeable commodities bore to those of other States. But if paper can be made to circulate independent of its employment in the transmission of funds, gold and silver to the same extent will be exported. If paper will be received and employed generally as the medium of exchange, and especially if it be issued in bills of small denominations, the amount of specie which will be exported will be great in proportion to the paper in circulation. If this position be correct, the power of Congress will be insufficient to retain any considerable portion of gold and silver in the United States. Bank notes, from one dollar to those of large denominations, have circulated, and, it is presumed, will continue to circulate, independent of its authority. As long as bank notes will be received as a substitute for specie, the quantity of specie necessary for currency will be small and may be easily retained without the aid of Government. But the demand for specie, where the circulation is principally paper, is extremely fluctuating. When there is but little or no demand for it, the temptation to increase their discounts, by the issue of more paper, is too strong to be resisted by banks. When a demand for specie arises, the currency has to be suddenly diminished by the contraction of their discounts. Fluctuations in the amount of the currency, produced by this means, is the principal mischief to be remedied; these fluctuations will frequently occur in every State, where the currency is principally paper convertible into coin. In the United States, where the specie exported as a primary article of commerce to the East Indies and to China bears so large a proportion to the metallic currency of the country, they must not only be more fre-

quent than in States where no such commerce exists, but more extensive in their effects. The demand created for Spanish milled dollars, by the exportation of specie, in the prosecution of this trade, has, without doubt, caused their importation to an extent which otherwise would not have occurred. As this demand is in some degree contingent, the supply will also be contingent. When it exceeds the demand, the banks will be tempted to new issues of paper. When it is deficient, the deficiency will be drawn from the banks, and will cause a sudden diminution of the currency. If this diminution could be limited to the amount of the deficiency thus drawn from the banks, the evil would be no greater than if the currency were metallic. But this is not the fact. When the paper circulation is returned upon the banks for specie, prudence requires that an effort should be made to preserve the same proportion between the specie in their vaults and their notes in circulation as existed at the moment the pressure commenced. If the paper in circulation should be three times the amount of specie in possession of the banks, a demand upon them for \$1,000,000 of specie would produce a diminution of \$3,000,000 in the currency if the specie should be exported, and of \$2,000,000 if it remained in the country. It is even probable that the comparative diminution would exceed this ratio. As the demand increased, apprehensions would be excited for the credit of the banks; the exertions produced by that apprehension would correspond with the magnitude of the evil to be avoided, rather than with the positive pressure; this, it is presumed, would be the effect of such an emergency, where banks had not become familiarized with bankruptcy, and were not countenanced by society in a course of conduct which, in private life, would be considered dishonest.

If, by any Constitutional exercise of the power of Congress, banks can be restrained, first, from issuing notes of small denominations, and, secondly, from excessive issues when their notes are not returned upon them for specie, fluctuations in the currency, to an extent to derange the interests of society, may be prevented. But if the imposition of these restraints is not within the Constitutional powers of Congress, the evils which have been suffered for the want of those restraints must continue until the present system of banking shall be abandoned.

In an inquiry into the state of the currency, the consideration of the coinage is necessarily involved. The principles upon which the coinage of the United States has been established are substantially correct. The standard fineness of the gold coinage corresponds with the coinage of England and Portugal. The standard of the silver coinage differs but little from that of Spain. The American dollar is intrinsically worth about one per cent. less than the Spanish milled dollar. This difference, if the Spanish dollar had not been made a legal tender, might have secured to the nation a more permanent use of its silver coinage. American dollars would not be exported as long as Spanish dollars could be obtained for that purpose at a reasonable premium. If this latter coin were

Banks and the Currency.

not a legal tender, the banks might afford to import it, and might sell, at a fair premium, the amount which might be required of them for the China and East India trade.

The relative value of gold and silver has been differently established in different nations. It has been different in the same nation at different periods. In England, an ounce of gold is equal in value to about 15.2 ounces of silver; in France, it is equal to 15.5; and in Spain and Portugal to 16 ounces. In the United States, an ounce of gold is equal to 15 ounces of silver. But the relative value of these metals in the markets frequently differs from that assigned to them by the laws of the different civilized States. It is believed that gold, when compared with silver, has been for many years appreciating in value, and now everywhere commands, in the money markets, a higher value than that which has been assigned to it in States where its relative value is greatest. If this be correct, no injustice will result from a change in the relative legal value of gold and silver, so as to make it correspond with their relative marketable value. If gold, in relation to silver, should be raised five per cent., one ounce of it would be equal to 15.75 or 15 $\frac{3}{4}$ ounces of pure silver. This augmentation in its value would cause it to be imported in quantities sufficient to perform all the functions of currency. As it is not used to any considerable extent as a primary article of commerce, the fluctuations to which the silver currency is subject from that cause would not affect it. It would be exported only when the rate of exchange against the country should exceed the expense of exportation. In ordinary circumstances, such a state of exchange would not be of long continuance. If the currency of the United States must, of necessity, continue to be paper convertible into specie, an increase of the gold coinage, upon principles which shall afford the least inducement to exportation, is probably the most wholesome corrective that can be applied, after the rigid enforcement of that convertibility.

The copper coinage is believed to be susceptible of improvement. Copper itself is too massive to serve the purposes of change. One hundred cents are too cumbrous to be carried and used in the numberless transactions which daily occur between individuals. Coin compounded of silver and copper, of from one to ten cents, would be much more suitable for that object. This kind of coinage has been adopted in other countries with great advantage.

It has, however, been objected to this coinage—

1. That, as compounded metals are much harder than the component ingredients, it would be difficult, and, consequently, expensive to work.

2. That the coin itself would be of little or no intrinsic value; copper or brass being of superior value in the manufactures to which it might be applied. And that the public would scarcely submit to the circulation of a coin so worthless.

3. That it might be counterfeited by a composition of zinc and copper.

After giving to these objections their due weight, it is believed that a change of this nature, in the

copper coinage, would be beneficial. Although the expense of such a coinage should be twice as much as that of an equal number of silver coin, still it might be advantageous. Small change, both of silver and copper, may be abundant in Philadelphia, the seat of the Mint, but it is not generally so elsewhere. If it were, tickets of 6 $\frac{1}{2}$, 10, 12 $\frac{1}{2}$, 25, and 50 cents, issued by mayors and corporation officers, and dollar bills torn in two pieces, for the purposes of change, would not be employed for that purpose. This single fact is an answer to the second objection. The fractional parts of a dollar are so indispensable in the transactions of individuals, that any thing which assumes that character will be employed. If the tickets which at this moment form so great a portion of the change of this city, and of various other places, are employed for that purpose it is inconceivable that the community should refuse to permit a compound coin of silver and copper to circulate, containing the intrinsic value which it represents, merely because, for manufactures, it will not be worth more than brass or copper, and that the expense of refining will be equal to the value of the silver. Change (that is, the fractional parts of a dollar) is so indispensable to the community, that its inapplicability to manufactures, and its exemption from liability to exportation, instead of forming objections, are recommendations in its favor.

The objection that this coin may be easily counterfeited is, if it cannot be obviated, entitled to great consideration. As has been before stated, this compound coinage has been successfully practised in other States. If compound metals are much harder than their component ingredients, may not a sufficient security against counterfeiting be derived from that circumstance? The dimensions and power of the machinery, which constitute one of the objections to the coinage, will render it extremely difficult to secure that secrecy and concealment which are indispensable to the success of the counterfeiter. If this compound coinage should not be carried higher than ten cent or dime pieces, the inducement, compared with the danger of detection, resulting from the magnitude of the machinery, would not, it is believed, be sufficient to encourage counterfeiting. If, however, it should be deemed impracticable to guard against this evil, in a coinage composed of silver and copper, an attempt might be made to obtain a supply of small change, by a mixture of silver and zinc. The danger of counterfeiting would then be removed.

As various plans have been suggested, during the last twelve months, for alleviating the general distress which has prevailed, by the emission of a large amount of Treasury notes, a few observations on that subject will close this part of the report.

If the Treasury notes are to be issued for this purpose, they will be either receivable in all payments to the Government, or they will be made redeemable at a fixed period.

1. If they are made receivable in all payments to the Government, the revenue will, from the time that \$5,000,000 are issued, be substantially

Banks and the Currency.

received in them. The Government will be immediately unable to pay the interest and reimbursement of the public debt in specie as it becomes due. These notes, when compared with the notes of the Bank of the United States, will be at a discount. The latter notes, independently of their being every where receivable in all payments to the Government, are convertible, at the place of their issue, into specie. They are equal to the Treasury notes in payment of the revenue, and superior to them, as they can command specie when the holder shall desire it.

If the fourteenth section of the bank charter were modified, so that the notes of the bank and of its offices should be receivable by the Government only when tendered where they are made payable, a small amount of Treasury notes might be issued, and circulated, without depreciation. In that case, they would be used for the transmission of money, and would be in constant demand for that purpose. It is the reception of the notes of the Bank of the United States, and its offices, by the Government, wherever they are tendered, that causes them to be considered as a good remittance throughout the United States. If they should cease to be so received, a demand for Treasury notes to a small amount, for the transmission of money, would be created, and would preserve them from depreciation. If the notes thus issued should be made redeemable at the Treasury, in specie, upon demand, the amount which might be put and retained in circulation would probably exceed, to a considerable extent, the sum demanded for the facile transmission of money. Such Treasury notes would, however, have no advantage over the notes of the Bank of the United States, as long as they are receivable in all payments to the United States, without reference to the place where they are payable. It is even probable that they would not be of equal value and currency with those notes, as the latter would generally be made payable in the principal and commercial cities, where remittances are continually made, whilst the Treasury notes would be payable only at this place. If Treasury notes, payable in specie, on demand, when presented at this place, should be preferred to the notes of the Bank of the United States, it would be in consequence of the abuses which have been practised by banking institutions, which have, in some degree, shaken the public confidence in the integrity of their direction.

2. If Treasury notes were to be issued, not receivable in payments to the Government, but redeemable at a fixed period, they would immediately depreciate, unless they bore nearly six per cent. interest. In the latter case, they would be of little more use, as currency, than the funded debt. They would not perform the functions of money.

3. In any case whatever, whether they are receivable in payments to the Government, or bear an interest, and are redeemable at a fixed period, they will afford no substantial relief where the distress is greatest, unless they should be advanced as a loan in order to alleviate that distress. If they are to be issued from the Treasury in discharge of

the demands upon Government, they would never reach those sections of the country where relief is most required. There, the Government already collects more than can be expended. One of the causes of this distress is the necessity of transferring the public funds from those sections, for the purpose of being expended, to those where there is no deficiency of currency.

As a financial resource, the issue of Treasury notes is justifiable only where the deficiency which they are intended to supply is small in amount, and temporary in its nature. As a measure of alleviation, it will be more likely to do harm than good. If a sufficient amount of those notes, of any description whatever, should be issued, and put into circulation where they are most wanted, unless they were given away, a debt in that part of the Union would be contracted to the extent of the issue. It might enable the borrowers to pay debts previously contracted, but their relative situation would be the same. Unless the currency became vitiated by the relief which was afforded, the ultimate payment of the debt would consummate the ruin which the measure was intended to prevent. But it is probable that the sums which might be advanced, by way of loan, would, in a great degree, be lost. The Government is not, from its nature, qualified for operations of this kind. The general system of credit which has been introduced by the agency of banks, and by the inevitable effect of the measures of the General Government, has produced an artificial state of things, which requires repression rather than extension. The issue of Treasury notes for the purpose of alleviating the general distress, would tend to increase this unnatural and forced state of things, and give to it a duration which it would otherwise never attain. If much of the evil resulting from a decreasing currency had not already been suffered, there might be some plausible reason for urging the issue of Treasury notes as a measure of alleviation. This ground cannot be urged in its favor; it is therefore indefensible, upon the ground of expediency as well as of principle.

The last member of the resolution assumes, by implication, the practicability of substituting, by the Constitutional exercise of the power of Congress, a paper currency for that which now exists.

In considering this proposition, the power of Congress over the currency of the United States cannot, consistently with the respect which is due to that body, be either affirmed or denied. It cannot be supposed that the House of Representatives, in adopting the resolution in question, intended, through the agency of an Executive department of the Government, to institute an inquiry as to the extent of the Constitutional authority of a body of which it is only a constituent member. Yet it will necessarily occur to the House, that, if the power of Congress over the currency is not absolutely sovereign, the inquiry, whatever may be its immediate result, must be without any ultimate utility. The general prosperity will not be advanced by demonstrating that there is no intrinsic obstacle to the substitution of a paper for a me-

tallic currency, if the power to adopt the substitute has been withheld from the Federal Government. Without offering an opinion upon the weight to which these views would have been entitled had they been urged whilst the resolution was under consideration, it is admitted that they furnish no ground for declining the performance of the duty imposed by its adoption. In the discussion of a question of so much delicacy and importance, the utmost confidence is reposed in the justice and liberality of those who have rendered it indispensable.

At the threshold of this inquiry, it is proper to observe that it is deemed unnecessary to present an analysis of the motives which led, even in the most remote antiquity, to the general adoption, by civilized States, of gold and silver as the standard of value, or of the advantages which have resulted from that adoption. The circumstance to which, in the course of this investigation, it will be necessary to advert, is the tendency which a metallic currency has to preserve a greater uniformity of value than any other commodity; and the facility with which it returns to that value whenever, by any temporary causes, that uniformity has been interrupted. No argument will in this place be offered in support of this proposition. It is founded on the experience of all nations. Its truth, for the present, will therefore be assumed. But the proposition itself admits that gold and silver, when employed by the consent of all civilized States as the standard of value, are subject to temporary variations of value. It is equally true that they are subject to permanent variations. The cause and effect of these changes will be considered previously to the discussion of the practicability of substituting a paper for a metallic currency.

1st. When, by any circumstance whatsoever, a greater portion of these metals is found in a particular State than is possessed by other States having articles of equal value to be exchanged, they will in such State be of less value than in the adjacent States. This will be manifested by an increase in the price of the commodities of such State. This increase of price will continue until the metallic redundancy is exported or converted into manufactures. Whenever this redundancy is disposed of, the currency will return to its former value, and the price of other commodities will be regulated by that value.

2d. But the exportation of specie may take place where there is no such redundancy. This occurs whenever the general balance of trade continues for some time unfavorable to a particular State. The currency then appreciates in value, and the price of all other commodities in such State is diminished. As commerce is nothing more than the exchange of equivalents, the reduction in the price of the articles of such State, and the increased value of the currency, will promptly produce a reaction; and gold and silver will soon return in the quantities required to reduce their value to that which they maintain in the adjacent States. With the return of specie, all other articles will return to the prices which they commanded before its exportation. Like fluids, the precious metals, so long as they are employed as the gene-

ral measure of value, will constantly tend to preserve a common level. Every variation from it will be promptly corrected without the intervention of human laws. These fluctuations, being temporary in their nature, are wholly independent of the permanent causes which may affect the value of gold and silver when employed as the general standard of value. They will equally occur, whether the quantity of these metals, compared with the exchanges which they are destined to effect, be redundant or deficient. The limits, however, within which these fluctuations are confined, are so contracted, that the great interests of society cannot be seriously affected by them. But this observation must be understood to apply to a currency purely metallic, or, at least, when the paper which is connected with it does not exceed the demand for the convenient transmission of money.

3. Gold and silver, when employed by the common consent of nations as the standard of value, are subject to the variations in value from permanent causes. When their quantity is increased more rapidly than the articles which are to be exchanged through their agency, their price will fall, or, what amounts to the same thing, the price of all exchangeable articles will rise. It has been admitted by all intelligent writers upon this subject, that, immediately after the discovery of America, towards the close of the fifteenth century, a sudden and extensive depreciation in the value of these metals occurred; and that, from that time to the close of the eighteenth century, they continued gradually to depreciate. This depreciation, it is believed, has been accelerated during the last century, as much by the substitution of paper for specie, as by the increase in the quantity of those metals during that period, beyond the demand which would have existed for them as currency had that substitution not taken place. The precise effect upon the depreciation of these metals, produced by the partial substitution of paper in various countries for a metallic currency, will not now be inquired into; but it is generally conceded that the depreciation has been more rapid since that substitution than at any former period, except when the accumulated stock of ages in the New World was brought into Christendom, and thence distributed into every other region where gold and silver were in demand. Since the close of the last century doubts have existed whether those metals, even when employed as currency, have not appreciated in value; and it is contended, by the advocates of a paper currency, that this appreciation will probably continue through a long succession of years, and seriously affect all the operations of the civilized world. It is maintained by these writers that the demand for currency at present, throughout the world, is greater than the supply which the existing quantity of the precious metals will afford, without materially depressing the price of all the objects of human industry and human desires. When it is recollected that production is regulated by demand, and that both are directly affected by the quantity of currency compared with the quantity of articles to be exchanged,

Banks and the Currency.

it is readily perceived that an increase in the currency of the world, by the substitution of paper, even when convertible into coin, will increase the quantity of exchangeable commodities in the world beyond what would have existed had such increase of currency not taken place. Under such circumstances, a sudden reduction of the currency, by the rejection of the paper which had been employed, could not fail to derange all the relations of society, by diminishing the quantity of currency, whilst the articles to be exchanged through its agency would suffer no such diminution. An immediate depression in the price of all commodities would be the inevitable consequence of an unequalled return to a metallic currency, upon the supposition that the quantity of gold and silver annually produced should remain undiminished. But, if this return to a metallic currency should be attempted at a period when the annual product of these metals, either from temporary or permanent causes, should have considerably decreased, all the great interests of society would be most seriously disordered; property of every description would rapidly fall in value; the relations between creditor and debtor would be violently and suddenly changed. This change would be greatly to the injury of the debtor; the property which would be necessary to discharge his debts would exceed that which he had received from his creditor; the one would be ruined without the imputation of crime, whilst the other would be enriched without the semblance of merit. Until the engagements existing at the moment of such a change are discharged, and the price of labor and of commodities is reduced to the proportion which it must bear to the quantity of currency employed as the medium of their exchange, enterprise of every kind will be repressed, and misery and distress universally prevail. When this shall be effected, the relations of society, founded upon a new basis, will be equitable and just, and tend to promote and secure the general prosperity.

Such, it is contended by the advocates of a paper currency, are the circumstances under which the principal States of Europe are endeavoring to return to a metallic currency. For a century past the currency of those States has been greatly increased by the employment of paper, founded, it is true, originally, upon a metallic basis. During the last twenty years this paper has ceased to be convertible into specie; and as no systematic effort has been made to prevent excessive issues, it has become redundant, and, consequently, depreciated. Notwithstanding this depreciation, the productions of those countries it is believed have more rapidly increased than those of countries where a metallic currency has been preserved. The efforts that are seriously made by those States to return to a metallic currency, will be the repression of enterprise of every description among themselves. It will be foreseen that the currency must appreciate, and that all other articles must depreciate in value. The effects of this appreciation of money will be first manifested in those States by the fall of the price of all articles which cannot be exported. In the progress of these measures, the price of the ex-

portable articles will also be affected, by the reduction in the currency employed in effecting their exchange. It is even probable that the quantity of exchangeable articles will be diminished. Whilst the appreciation of the currency is perceptibly advancing, the manufacturer will not hazard his capital in producing articles the price of which is rapidly declining. The merchant will abstain from purchasing, under the apprehension of a further reduction of price, and of the difficulty of revending at a profit. It is even probable that the interest of money will fall, whilst the cry of scarcity of money will be incessant. Under such circumstances, loans will not be required, except to meet debts of immediate urgency. None will be demanded for the prosecution of enterprises by which the productive energies of the community will be increased.

As the measures which have been adopted by England and several of the continental States of Europe, for returning to a metallic currency advance, the interest of those States which have adhered to it will be affected. Whilst gold and silver were, in the former States, dispensed with as coin, they were sought for merely as commodities. The quantity necessary for their manufactures was readily obtained without deranging, in any serious degree, the currency of other States.

It has been estimated that from eighty to one hundred and twenty millions of dollars were necessary to England. Taking the mean sum, and admitting that the other European States engaged in the same effort require an equal amount, a supply of two hundred millions of dollars is necessary. The commencement of the measures necessary to obtain that portion of this sum which cannot in a short time be drawn from the annual product of the mines, may not be immediately felt by other States. But when these measures approach their completion; when a large quantity of gold and silver is necessarily withdrawn from the currency of other States, the price of specie will, in the latter, appreciate, and the price of all commodities will decline. All the evils incident to an appreciating currency will be felt in those States, though in a less degree than where a paper currency had been exclusively adopted. The example presented by the return to a metallic currency in France, even in the midst of a revolution, which probably had some influence upon the decision of this question by other States, is believed to be in no degree analogous in its principal circumstances. At the precise period that this change was operating, England and the principal continental States abandoned the precious metals as currency. The supply demanded by France was not only at hand, but was seeking the very employment which that change had made indispensable. At the same time, immense sums were brought into France by her conquering armies, which, being raised by military contributions, had in some degree rendered a resort to paper currency in the United States necessary. At present the civilized world is at peace, and each State is endeavoring, by systematic measures, to secure to itself a just participation of equal and reciprocal

commerce. The States which are now attempting to return to a metallic currency will find much greater difficulty in effecting this change than was experienced by France.

The demand for gold and silver, as the medium of exchange, cannot be supplied until the price of all exchangeable articles has fallen in proportion to the reduction of the currency, which the abandonment of paper must produce. It is even probable, as has been before suggested, that, after the price of commodities and of labor shall have fallen, so as to bear a just proportion to the currency which is to be employed in effecting the necessary exchanges, the currency will continue gradually to appreciate. This, however, is matter of conjecture. It depends entirely upon the fact, whether the annual product of the mines, after furnishing the quantity necessary for the consumption of the precious metals in manufactures, will be equal to the increased demand for currency, arising from the increase of exchangeable commodities throughout the world. The great advancement in the arts and sciences, the rapid improvements in machinery which characterize the present age, acting through a long succession of ages, cannot fail to augment, in an astonishing degree, all the products of human industry.

It may however be urged that the same improvements will augment in an equal degree the product of the mines, and that therefore the quantity of precious metals in the world will continue to bear to other commodities the same relation which they may assume when the return to a metallic currency is effected. This may be true; but, so far as it depends upon the general principle that the supply of all articles is regulated by the demand, there is reasonable ground of doubt. The maxim, although good as a general rule, admits of exceptions. A demand beyond the supply increases the price of the thing demanded, and invites to the investment of additional capital in its production. But, when the article demanded is to be produced from a material which no investment of capital, no application of skill, can augment, the only effect of such investment and application is to produce the most which the material has the capacity to furnish. Such, in fact, is the case of gold and silver. The material from which they are made is limited in quantity, which neither capital nor skill can augment. It is probable that the improvements in machinery and the art of refining will be counterbalanced by the exhaustion of the mines, or the difficulty of working them, arising from the depth and extent of their excavations. It is therefore possible that the demand for the precious metals, for currency and for manufactures, may exceed the production of the mines.

Previously to entering upon the immediate discussion of the practicability of substituting a paper for a metallic currency, it is proper to observe, that gold and silver derive part of the uniformity of value which has been ascribed to them, from the general consent of civilized States to employ them as the standard of value. Should they cease to be used for that purpose, they would become more variable in their value, and would be regulated,

like all other articles, by the demand for them, compared with the supply in any given market. It is presumed that, if they should cease to be employed as the standard of value by several States, their uniformity of value would be, in some degree, affected, not only in those States where they were considered as mere commodities, but in those where they were still employed as currency. Whenever, as commodities, they should rise in value, a drain would take place from the currency of other States; and when they should fall in value, as commodities, they would seek employment as currency, and render, in some degree, redundant the currency of the States where they are employed. After making due allowance for the depreciation of bank notes in England, from the time of the bank restriction, in 1797, to the present period, the price of gold and silver in that country is believed to have varied more than at any former period. Their price, when compared with bank notes, from the year 1797 to 1808, showed but a slight degree of depreciation—considerably less in all human probability than actually existed. During that interval the demand for those metals was limited in England to the sum required for manufactures. It is highly probable that, if the quantity of the paper circulation had been reduced to the amount of the currency in circulation at the time, or for one year before the restriction, the price of bullion would have been below the Mint price. On the contrary, in the year 1808, when the employment of a British force in Spain created a sudden demand for specie, the depreciation of bank notes, indicated by the price of bullion, was probably greater than that which really existed. In the year 1814, after the Treaty of Paris, the price of bullion, estimated in bank paper, was not above the Mint price; while, in the succeeding year, it rose to more than twenty per cent. above that price: the amount of bank notes in circulation at the former exceeding, in a small degree, that of the latter period. It is impossible that these variations in the price of gold and silver, in the short space of one year, can be entirely chargeable to the depreciation of bank notes. The effect which these variations, in a great commercial State, where the precious metals were considered only as commodities, were calculated to produce upon the currency of the neighboring States, has not been ascertained. The convulsions to which most of these States were subject during that period may account for the want of sufficient data to elucidate the subject. It is, however, highly improbable that these fluctuations were not sensibly felt by them.

Having considered the nature and extent of the variations in value, to which a metallic currency is necessarily subject, it remains to examine whether it is practicable to devise a system by which a paper currency may be employed as the standard of value, with sufficient security against variations in its value, and with the same certainty of its recovering that value, when, from any cause, such variations shall have been produced. It is distinctly admitted that no such paper currency has ever existed. Where the experiment has been

Banks and the Currency.

made directly by Government, excessive issues have quickly ensued, and depreciation has been the immediate consequence. Where the experiment has been attempted through the agency of banks it has invariably failed. In both cases, instead of being used as a mean of supplying a cheap and stable currency, invariably regulated by the demand, for effecting the exchanges required by the wants and convenience of society, it has been employed as a financial resource, or made the instrument of unrestrained cupidity. In no case has any attempt been made to determine the principles upon which such a currency, to be stable, must be founded. Instead of salutary restraints being imposed upon the moneyed institutions which have been employed, the vital principle of whose being is gain, they have not simply been left to the guidance of their own cupidity, but have been stimulated to excessive issues, to supply deficiencies in the public revenue. This is known to have been the case, in an eminent degree, in the experiment which has been attended with most success. The issues of the Bank of England, on account of the Government, were frequently so great as to destroy the demand for discounts by individuals. In consequence of these excessive issues, the interest of money fell below five per cent., the rate at which the bank discounted; the demand for discount at the bank, therefore, ceased. It is, indeed, not surprising that no systematic effort has been made to restrain excessive issues. In the case of banks, the experiments which have been made were intended to be temporary; they were the result of great and sudden pressure, which left but little leisure for the examination of a subject so abstruse.

The employment of a paper circulation convertible into specie, the favorite system of modern States, having, as has been attempted to be shown in a previous part of this report, the inevitable tendency to produce the necessity of resorting, in every national emergency, to paper not so convertible, imposes upon those who are called to administer the affairs of nations the duty of thoroughly examining the subject, with a view, if practicable, to avoid that necessity. If the examination should not result in the establishment of a paper currency, unconnected with specie, it may lead to the imposition of salutary checks against excessive issues, when the necessity of suspending payment may occur.

It has already been said that every attempt which has been made to introduce a paper currency has failed. It may also be said, that of all the systems which, during the discussion of this interesting subject, both in Europe and the United States, have been proposed, none are free from objections. It is possible that no system can be devised which will be entirely free from objection. To insure the possibility of employing such a currency with advantage, it is necessary—

1. That the power of the Government over the currency be absolutely sovereign;
2. That its stability be above suspicion;
3. That its justice, morality, and intelligence, be unquestionable;

4. That the issue of the currency be made not only to depend upon the demand for it, but that an equivalent be actually received;

5. That an equivalent can only be found in the delivery of an equal amount of gold or silver, or of public stock;

6. That whenever from any cause it may become redundant, it may be funded at an interest a fraction below that which was surrendered at its issue.

1. This proposition needs no elucidation. Coinage and the regulation of money have, in all nations, been considered one of the highest acts of sovereignty. It may well be doubted, however, whether a sovereign power over the coinage necessarily gives the right to establish a paper currency. The power to establish such a currency ought not only to be unquestionable, but unquestioned. Any doubt of the legality of the exercise of such an authority could not fail to mar any system which human ingenuity could devise.

2. A metallic currency, having an intrinsic value, independent of that which is given to it by the sovereign authority, does not depend upon the stability of the Government for its value. Revolutions may arise; insurrections may menace the existence of the Government: a metallic currency rises in value under such circumstances; it becomes more valuable, compared with every species of property, whether moveable or immovable, in proportion to the instability of the Government. Not so with a paper currency: its credit depends, in a great degree, upon the confidence reposed in the stability of the authority by which it was issued. Should that authority be overthrown by foreign force or intestine commotion, an immediate depreciation, if not an absolute annihilation, of its value would ensue.

3. It might, however, be saved from such destruction by a well-grounded confidence in the justice and intelligence of the Government which should succeed that which had been overthrown. The history of modern times furnishes examples that are calculated to inspire this confidence. In France, during the revolution which has just terminated, the public debt was reduced to one-third of its amount. The same rule was applied to the public debt of the Dutch Republic, when it fell under French domination. In the successive political changes to which France has, since that period, been subjected, the public debt and the public engagements have been maintained with the strictest good faith. In Holland, that portion of the public debt which had been abolished by the French Government has been restored. In the opinion of well informed men, however, the conditions connected with that restoration were so onerous as to render it almost nominal. Indeed, the public debt in that country had become so disproportionate to the means of the nation when deprived of the resources it enjoyed when the debt was contracted, that the reduction which it underwent while the country was annexed to the French Empire was not generally considered an evil. The reduction of the national debt of France during the Revolution was perhaps equally indispen-

Banks and the Currency.

sable. If the intelligence of the age, and the influence of public opinion, even in States where the reign of law was but imperfectly established, have been sufficient to induce the Governments which have alternately succeeded each other for the last twenty-five years, in France and Holland, to respect the public engagements which had been previously contracted, well-grounded expectations may be cherished that the period is rapidly passing away when the public faith of nations can be violated with impunity.

If public engagements, under such circumstances, have been considered obligatory upon those who have successively administered the affairs of those nations, a reasonable confidence may be reposed in the fulfilment of the obligations which may be contracted by existing Governments, where the reign of law is firmly established. It is not denied that a paper currency furnishes strong temptations to abuse. Millions may be issued in a few days, and the deficiencies in the revenue promptly supplied, if the condition of receiving an equivalent is abandoned. The moment the currency shall be issued as a financial resource, depreciation will follow, and all the relations of society will be disturbed. If the Government of the nation in which a paper currency has been established shall be deeply impressed with this truth, will it not be restrained from the apprehended abuse? Currency of every kind is liable to great abuses. The history of the coinage of every nation whose annals are known, is little more than a detail of the frauds which have been practised by Governments upon the people. Until the twentieth year of the reign of Edward III. of England, a pound troy of silver, of standard fineness, and a pound sterling, were synonymous terms; twenty shillings sterling being, in fact, a pound troy of standard silver. Change followed change in rapid succession, until, in the reign of Elizabeth, a pound troy of standard silver was directed to be coined into sixty-two shillings. This immense change in the value of the currency was effected in the space of about two centuries. In other modern States, during the same period, changes not less important occurred in the coinage. Frequently, these changes were effected by deteriorating the standard fineness of the coin. For more than a century past, the coinage of the civilized world has undergone no material change with a view to the practice of fraud upon the people. Whether this forbearance is to be attributed to an improvement in the morality of modern Governments, or to a more correct understanding of the principles of currency and of the consequences that must result from every change by which the relations of society are affected, it furnishes just ground of expectation that they will not hereafter be attempted. Nothing more is necessary to secure an unalterable adherence to the maxims upon which it is manifestly necessary that a paper currency must be founded, in order to preserve a uniformity of value than the same morality and the same intelligence. Without assuming the principle of the perfectibility of human nature, the hope may be indulged that the nature

of currency will continue to command the attention of statesmen, and that the abuses which have resulted from improper changes in the currency will not again occur in the same degree.

4. When the currency is metallic no addition can be made to it without giving an equivalent. It is indispensable that this condition should be annexed to the acquisition of the paper currency, preliminary to its entering into circulation. If it can be put in circulation only on paying its nominal amount in that which has a general and fixed value, determined by the consent of other nations, it will continue to preserve that value during the time it circulates, unless the relation which it bore at the time of its issue to the quantity of articles the exchanges of which it is destined to perform shall be varied.

5. As a paper currency is issued upon the national credit, the whole property of the nation is pledged for its redemption, whenever, by any circumstance, it may become the interest of the community that it should be redeemed. It is therefore manifest that it should not issue upon the credit of any individual, or association of individuals. A part can never be equal to the whole. The credit of any individual, or association of individuals, cannot be equivalent to that of the nation, of which they form a part. But it may be said that, although the credit of individuals is not equivalent to the credit of the nation, yet an equivalent for a particular portion of that credit may be found in the pledge or mortgage of property of equal or greater value than the currency issued upon it. This may be true; but the value of property has been continually fluctuating: it will continue to fluctuate, after giving to the advocates of a paper currency full credit for the superior stability which they suppose will attempt its substitution for gold and silver as the standard of value. But this is not the only objection to the acceptance of property, as a pledge for the payment, by individuals, of an equivalent for the paper currency which may be advanced upon such pledge. Frauds will be practised by pledging property which is encumbered, which it would be extremely difficult to detect. The Government will be involved in endless litigation with individuals who are interested in the encumbrances by which its rights to the property pledged is embarrassed. In such contests, the interest of the Government is always endangered, even where right is on its side. It is not qualified to enter into such litigations with an equal chance of success. The feelings of the community are always, except in flagrant cases of fraud, upon the side of an individual supposed to be struggling with the overwhelming influence of authority. Besides, in all contests of this nature, something of the respect for the Government, which ought to be cherished by the citizens, especially of a free State, will be lost. The situation is invidious, and ought not voluntarily to be assumed by a Government jealous of its dignity and purity of character. It is therefore believed that a national currency cannot be issued with safety, with a reasonable prospect of success, and with sufficient security against redundancy, but in exchange for gold and silver of

Banks and the Currency.

a definite standard, or for the public stock at certain fixed rates. When issued in exchange for them, and for them alone, there is, though not the same, yet perhaps an equal security against redundancy as in the case of a metallic currency. When it is issued in exchange for coin, there is no addition made to the currency. When it is issued in exchange for public stock, commanding, previously to the exchange, its par value in coin, the party who acquires the currency parts with that which was equal to specie, and is deprived of the annual interest which it produced. Unless the interest of the currency, resulting from its scarcity, should exceed that paid upon the stock, it would not be demanded in exchange for the stock. In either case, the danger of redundancy is extremely remote. By the exchange of specie for currency, the active capital of the country will be increased to the amount of the currency; and the capacity of the nation to redeem it, whenever it shall, by any circumstance whatever, become expedient, will be unquestionable.

But it may be doubted whether, under such conditions, a paper currency ever can be put in circulation. Under a Government firmly established, conducted by upright and enlightened councils, and possessing absolute power over the currency, it is believed there is no just reason to apprehend a difficulty of that nature. If, in such a Government, banks existed, deriving their powers from it, the specie in their possession would be gradually exchanged for the paper currency which would become the basis of their operations. Not only the specie which they possessed would be thus exchanged, but exertions would, from time to time, be made to acquire the sums necessary to support their banking operations. Specie would be imported, even at an expense, for the purpose of being exchanged. Whilst specie formed the basis of the operations of banks, its importation could not fail to be productive of loss; each importation not only producing the necessity of additional importations, but at an increased expense. But, when importations shall be made for the purpose of being exchanged for the currency, the exportation of the specie thus imported will not affect the operations of the banks. It is only when the funding of the currency shall commence, that they will be admonished to desist from further importations. Individuals and banks would likewise exchange public stock at the rates prescribed by the system for the paper currency. Whenever the demand for currency should be such as to raise the interest of money considerably above that produced by the public stock, it would, by banks and individuals, be given in exchange for the currency. But the facility which the existence of a public debt furnishes in procuring the paper currency is counterbalanced by the difficulty of complying with the public engagement to discharge such debt in a metallic currency. After a paper circulation shall be substituted for gold and silver, they will be found in the country only in the quantity demanded for manufactures, and for such branches of commerce as are entirely dependent upon them. A considerable demand for gold and silver by the

Government, to meet its engagements previously contracted, would raise their price, in the market, and render the obligation to discharge those engagements in the precious metals not only extremely onerous, but, perhaps, sometimes impracticable. In such a state, a compromise with the public creditors would seem to be a preliminary measure. This, under any circumstances, would be a measure of great delicacy and difficulty, and, in some cases, would probably be utterly impracticable.

6. Whenever, from any cause, the currency should become redundant, the redundancy may be funded at a rate of interest a fraction below the rate of legal interest.

In determining the rate at which it may be funded, due regard should be paid to the rate of interest previously existing in the State. The rate of interest, it is conceived, ought not to depend (and, where a metallic currency prevails, does not depend) solely upon the amount of currency necessary to perform with facility the exchanges required by the wants and convenience of society. In a new country, where there is but a slight accumulation of capital, the interest of money will be high, notwithstanding there may be even a redundancy of currency beyond what is necessary to effect its exchanges. In such a country, all the objects upon which capital may be employed, except those of the most simple kind, are unoccupied. The currency necessary to effect the exchanges of its property, moveable and immoveable, will be entirely insufficient to satisfy the demand for capital for those objects. If it should be multiplied so as to equal that demand, it would exceed the demand for the necessary exchanges of society, and consequently depreciate; such, in fact, it is believed, would be the consequence of issuing the currency upon individual credit, or upon the pledge of property, at a rate of interest below that which previously existed in the State. Any change of the interest of money by law, previous to its having taken place in individual transactions, in consequence of the accumulation of capital, would be unjust, and could not fail to produce serious inconvenience to the community. Admitting the rate of interest, in a State about to make the experiment, to be six per cent., then the currency should be issued only in exchange for specie, or six per cent. or other stock, according to that ratio. If the currency should, when by any means a redundancy existed, be fundable at five and a half per cent. interest, the utmost depreciation to which it could be subject would be eight and one-third per cent. But it is probable that the real depression in its value would not, at any time, be more than half that amount. Before funding would commence, the public stock receivable in exchange for the national currency would be above the rates at which it was receivable. Its issue upon the exchange of stock would therefore have ceased. There are, in every community capitalists who would prefer lending to the Government at five and a half per cent., than to individuals at six. The funding of the currency would therefore begin before the redundancy would offer

Banks and the Currency.

any general inducement to that mode of reducing it. The variation to which its value would be subject, would therefore be less than eight and one-third per cent. It would be the interest of the Government to reserve the right of redeeming the stock created by funding at its par value, under the condition, however, of redeeming it according to the order of time in which it was created. Connected with this system should be a permission to the banks to purchase public stock, but not to dispose of it, except to the Government, at its par or current value when under par, unless the Government should decline the purchase. The currency, upon being funded, should be invariably cancelled. Under a system of this kind, if no other paper were permitted to circulate than the national currency, a redundancy which would affect its value could only occur by a temporary diminution of the articles which were to be exchanged through its instrumentality. In that event, the price of the articles would be enhanced so as to require a greater amount of currency to effect their exchange. Should the price not be enhanced in proportion to the diminution in the quantity of the articles, that portion of the currency which would, under such circumstances, be left without employment would be funded. A just relation between the amount of currency and the demand for it would be promptly restored, without affecting injuriously the relations between individuals. On the other hand, should a greater quantity of exchangeable articles be produced, the demand for currency would exceed the supply, and lead immediately to additional issues, until the necessary supply should be obtained.

But, in a State where banks already existed which derived their charters from the sovereignty that regulated the currency, where the people were accustomed to bank notes, and in the habit of receiving them, the agency of these institutions might be admitted in supplying a portion of the currency. They might be permitted to issue their notes, payable on demand, in the national currency; their notes would, of course, be issued on personal security. In this case, the currency might become redundant by the issues of the banks. Whenever this should happen, the national currency would be demanded of them for the purpose of being funded; the banks would be compelled to curtail their discounts, to relieve themselves from the pressure; and the amount of the currency would be promptly reduced to the legitimate demand. Wherever the agency of banks should be employed in furnishing part of the circulation, a refusal or omission to discharge their notes, on demand, in the national currency, should be treated as an act of bankruptcy. The national currency, being a legal tender in the payment of debts to individuals and to the Government, would, in relation to the banks, perform the functions of specie, where bank notes are convertible into coin. But, in order to impose a salutary check against excessive issues of bank notes, the national currency should alone be receivable in all payments to the Government.

In an attempt to trace the probable results of a

paper currency, founded upon the principles which have been developed in the preceding pages, the influence which it will have upon foreign exchange requires investigation. The want of stability, morality, and intelligence in the Government which may undertake to substitute a paper for a metallic currency, are the objections which have already been considered. To these, according to common opinion, is to be added the injurious effect which it is supposed it will have upon foreign exchange. In a country where the currency is metallic, an unfavorable state of foreign exchange will probably have the following effects:

1st. To raise the price of exportable articles as much above that which they ought to bear as the premium paid upon foreign bills, until it exceeds the expense of exporting specie to the foreign market.

2d. When this rise exceeds the expense of such exportation, the price of exportable articles will fall gradually below what they ought to command, to the extent of that excess.

3d. Until this fall in their price shall be effected, specie will be exported; after which it will cease.

4th. This fall in their price, by increasing their consumption in the foreign markets, ultimately provides for the return of the specie which had been exported.

5th. During the second and third stages of this process, the price of all articles not exportable is affected in a greater degree, enterprise is damped, and distress prevails.

Such are the necessary effects of an unfavorable state of foreign exchange, where the currency is metallic. As the vital principle of commerce is gain, it is probable that, generally, the price of exportable articles would, in fact, be rather higher than is stated in the preceding deductions. The timid might export specie before the premium upon exchange exceeded the expense of its exportation; but timidity is not the predominant characteristic of commercial enterprise. On the other hand, the sanguine and enterprising, relying upon the chance of better markets, would give higher prices rather than submit to certain loss upon the exportation of specie, or the purchase of bills above par.

In a country where a paper currency has been adopted, and the principles by which a redundancy may be prevented have been enforced, an unfavorable state of foreign exchange will probably have the following effects:

1st. The effect of raising the price of exportable articles as much above what they ought to bear as equals the premium upon foreign bills; but, in this case, gold and silver, being exportable articles, will rise in the same proportion as all other articles.

2d. When the price of all articles is raised so high that a loss will be incurred by their sale in foreign markets, those who have no remittances to make will withdraw from the competition. If profitable investments in other enterprises cannot be made, a portion of the currency, at their disposition, will be withdrawn from circulation, by being converted into funded stock; competition will,

Banks and the Currency.

in this manner, be diminished; the price of articles for exportation will be reduced by the reduction of the currency, and by diminished competition among the purchasers. It is not probable, however, that the price will fall so low as to admit of a profit in foreign markets, as long as the premium upon exchange continues above the ordinary commercial profit upon exported articles. But exportation will not be continued at a certain loss longer than the discharge of debts previously contracted renders indispensable; foreign articles will not be imported, when the loss upon remittances, whether made by bills of exchange, or by the exportation of commodities, is equal to the profit upon importation; the high price given for exported articles will increase their production, and restore foreign exchange to a favorable state. The balance of trade and the rate of foreign exchange, which have given so much trouble to statesmen for two centuries past, when left to the laws by which they will be governed, in despite of human devices, as invariably regulate themselves, as fluids, when unrestrained, find their common level. They will probably more promptly conform to these laws in a State where a well regulated paper currency prevails, than where it is metallic. In the latter, the currency is exported to make up any temporary deficiency, and, by that means, provides against the recurrence of the evil, by indirectly causing an increase of the exportable articles of the State, and diminishing the importation of foreign articles. Until the capacity to purchase these by the exchange of articles shall be restored in the former, as the currency cannot be exported, the importations will be more promptly reduced to the capacity of the country to purchase, whilst the increase of its exportable articles will be the direct, instead of the indirect, consequence of a temporary incapacity to pay for previous importations.

3d. During the whole process of restoring a favorable state of exchange, in a country where a well regulated paper currency prevails, the price of all articles not exportable will suffer no material variation. The funding of the currency, which will probably take place, will not be immediately carried so far as to reduce the price of exportable articles so as to command a profit in foreign markets. They will, so long as the rate of exchange is unfavorable, continue to command higher prices than when the exchange is favorable. This increased price will encourage industry and enterprise, and constantly tend to augment the productive energies of the community. This effect cannot fairly be attributed to any depreciation in the currency. That will continue to bear nearly the same proportion to the exchangeable articles of the State as when foreign exchange was favorable. It is probable, even, that its relation to those articles will be changed, so as to produce an appreciation of the currency; and that this appreciation will be perceived, in a slight degree, in the depression of the value of all articles not exportable. The effects of this appreciation will, however, be diminished by the impulse given to industry and enterprise, by the increased price of all articles which can be exported.

These are conceived to be the effects which a well regulated paper currency will have upon the foreign exchanges, and upon the domestic industry of the country which may adopt it. If the value of currency depends, like that of all other articles, upon the quantity compared with the demand, the idea of its depreciation, in raising the price of articles in the case which has been considered, must be rejected. That this position is incontrovertible, seems to have been admitted by all writers upon the subject. This admission is found in the reports which have been made to the British Parliament; in the evidence upon which those reports have been founded; and in the essays of those who have opposed the paper system in that country since the year 1797. The objection to the paper system, as it existed in England, was the absence of all restraint upon the issue of paper, and the supposed impossibility of imposing any efficient restraint. In fact no attempt has been made to impose such restraint in that country, unconnected with the convertibility of bank notes into the precious metals. So far as this restraint is limited to the convertibility of bank notes into bullion, at any given rate, it is rather an attempt to regulate foreign exchange through the instrumentality of the bank, than to confine the issue of bank notes to the sound demand for currency. The restraint imposed seems to rest upon the idea that an unfavorable state of foreign exchange must be the result of a redundant currency. Nothing can be more incorrect than this hypothesis. Considering the vitiated state of the currency of England for more than twenty years past, it is not surprising that this idea should there be entertained. During that period the unfavorable rate of foreign exchange which generally prevailed was, if not directly, at least indirectly, attributable to the depreciation of their currency. But, in this interval, a favorable rate of foreign exchange more than once occurred. To what could this favorable change be attributed? Certainly not to the depreciation of their currency. But it would be as unjust to attribute every unfavorable state of foreign exchange to the depreciation of the currency, as to ascribe to that currency the credit of any favorable state of such exchange. The truth is, that fluctuations in the exchange between two countries having a metallic currency continually occur, and depend upon principles wholly unconnected with the idea of a depreciated currency.

If these views be correct, the only obstacles to the establishment of a paper currency, by a Government having a sovereign right to establish it, is the danger of the instability and want of integrity and intelligence of the Government. There is certainly just reason to apprehend that emergencies may arise in the affairs of every nation, in which their stability may be menaced, by foreign force or domestic insurrection. In such an event a panic might ensue, and the credit of the currency be utterly annihilated. How far the recent examples which have been adverted to in other States; how far the influence of public opinion over the conduct of Governments may be relied upon, as an efficient preventive against evils of such mag-

Banks and the Currency.

nitude, must be determined by those to whom, under Divine Providence, the prosperity and happiness of nations are committed. The subject involves all the complicated interests of society, except the enjoyment of civil, political, and religious liberty. It ought to be approached with more than ordinary circumspection. In States the best qualified to attempt the change it is environed with doubts, which can only be dispelled by the light of experiment. In the United States these doubts are greatly increased by the complex form of the Government. In the division of power between the Federal and State Governments, the line of separation is not sufficiently distinct to prevent collisions, which may disturb the harmony of the system. Collisions have already arisen, and, in the course of human events, may be reasonably expected to arise, until the line of separation, by which their relative powers and duties are determined, shall be distinctly defined by practice, or by explanatory amendments of the Constitution, effected according to the forms prescribed in that instrument. Upon no question will collision more likely arise than that contemplated by the resolution under which this report is submitted. No attempt to make the change has succeeded. The measure, when stripped of extraneous difficulties, must be admitted to be of doubtful tendency. Under the most auspicious circumstances it may prove abortive; under circumstances in any degree adverse it must inevitably fail. Any obstacle opposed to its execution, by one or more of the State governments, would be decisive of its fate. Their simple acquiescence in the measure would not be sufficient to secure to it that issue to which the principles upon which it might be established would necessarily lead. Their active co-operation would be indispensable. The banks which derive their authority from the State governments are generally bound by their charters to discharge their notes in specie on demand. From this obligation it would be necessary to the system to relieve them. The obligation to discharge their notes upon demand, in the national currency, should be substituted for that of paying them in specie.

If these obstacles should be removed, that connected with the public debt, which has been suggested in a previous part of the report, would still remain. After the substitution of the national currency, gold and silver would be imported only in the quantity required for manufactures, and for the prosecution of those branches of trade in which they are primary articles of commerce. For these purposes the importations would be sufficient. They might even be sufficient, and at a reasonable price, for the payment of the annual interest of the public debt. But after the year 1824, when the sum of \$10,000,000 would annually be expended by the Commissioners of the Sinking Fund, it is probable that the premium which would be paid upon it would be considerable, until the debt was extinguished. A compromise, as has already been suggested with the public creditors, would seem to be a measure preliminary to any attempt to establish a paper currency. It is more than proba-

ble that the attempt would not only be unsuccessful, but that it would injuriously affect the public credit.

It may also be proper to observe, that those sections of this Union where a measure of this kind would be most likely to be acceptable, would probably derive from it the least benefit. In the West and in the South, the complaints of a deficient currency have been most distinctly heard. In the latter these complaints are of recent date. In both, they proceed in a greater degree from the disbursement of the public revenue than from any other cause. The great mass of public expenditure is made to the east of this city. The revenue accruing from imports, though principally collected in the Middle and Eastern States, is paid by the great mass of consumers throughout the United States. That which is paid for the public lands, although in some degree drawn from every part of the Union, is principally paid by the citizens of the West and the South. The greatest part of the revenue accruing from the public lands, as well as that collected in the Southern States, upon imports; has been transferred to the Middle and Eastern States to be expended. The necessity of making this transfer arises from the circumstance that the great mass of the public debt is held in those States, or by foreigners, whose agents reside in them; and from the establishments of dock yards and naval stations in their principal ports. This transfer will continue to be necessary until the public debt shall be extinguished, and until the other expenditures of the Government can, consistently with the public interest, be more equally distributed. If a national currency should be established, the demand for it in the Southern and Western States, for the purpose of transmission, would be incessant; whilst its return, by the ordinary course of trade, especially in the latter, would be slow, and in some degree uncertain. The currency being everywhere receivable by the Government, would, for the purpose of remittance, be more frequently demanded in that section than specie, for the same reason that the notes of the Bank of the United States and its offices command there, at this time, a premium in specie. As the transfers of the public money are made by the Bank of the United States, the excitement produced by the demand for specie, or funds that can be remitted consequent upon such transfers, has been directed against that institution. All the evils which the community, in particular parts of the country, has suffered from the sudden decrease of the currency, as well as from its depreciation, have been ascribed to the Bank of the United States, which, in transferring the public lands, has been a passive agent in the hands of the Government.

It is, then, believed that the evils which are felt in those sections of the Union where the distress is most general, will not be extensively relieved by the establishment of a national currency. The sufferings which have been produced by the efforts that have been made to resume and to continue specie payments have been great. They are not terminated, and must continue until the value of property and the price of labor shall assume that

Interest on Outstanding Mississippi Stock.

relation to the precious metals which our wealth and industry, compared with those of other States, shall enable us to retain. Until this shall be effected, an abortive attempt, by the substitution of a paper currency, to arrest the evils we are suffering, will produce the most distressing consequences. The sufferings that are past will, in such an event, recur with additional violence, and the nation will again find itself in the situation which it held at the moment when specie payments were resumed. I have the honor to be, &c.

WM. H. CRAWFORD.

The Hon, the SPEAKER

of the House of Representatives.

[The tabular statements of details, being very voluminous, are omitted.]

INTEREST ON OUTSTANDING MISSISSIPPI STOCK.

[Communicated to the Senate, March 3, 1820.]

TREASURY DEPARTMENT,
March 2, 1820.

SIR: In obedience to a resolution of the Senate of the 23d ultimo, referring to this Department the petition of Henry Remsen and others, stating, among other things, that they are largely interested in Mississippi stock, issued under an act entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory," that the outstanding stock created under that act was, on 10th December, 1819, \$1,909,576 81; and that it appears, by the reports of the Secretary of the Treasury, that sales of lands to an amount much exceeding the outstanding Mississippi stock have been made, but that the memorialists have not been able to ascertain at what period the claims of the State of Georgia have been satisfied, so as to entitle them to have their certificates paid; and stating that they consider themselves entitled to interest on the amount of their certificates from the period when the sales have amounted to a sum sufficient to pay the same, whether the amount was in the Treasury in money, or in obligations bearing interest; I have the honor to submit the enclosed proceedings of the Commissioners of the Sinking Fund, which will, it is believed, sufficiently explain the nature of the claim of the memorialists.

By referring to the act under which this claim has originated, it will be seen that the claim to interest, before the money is received into the Treasury, is without foundation. Their claim is to the money in the Treasury arising from the sales of the lands pledged, and not upon the United States for money due for those lands. As the act does not prescribe the manner in which the payment is to be made, when there shall be money in the Treasury applicable to the discharge of the outstanding stock, it is presumed that the United States have the right to direct the mode in which it shall be effected. The principle adopted by the Commissioners of the Sinking Fund is believed to be equitable and just. Indeed, doubts may well

exist whether the obligation to pay is perfect, until a sum shall have been received sufficient to discharge the stock.

By returns which have been received subsequently to the annual Treasury report of the 10th of December last, it is ascertained that the stock which has been received to the 1st of January last amounts to \$2,435,216 18, leaving \$1,846,934 94 outstanding; and that the receipts in money to the same period amounted to \$2,800,408 11; from which the sum of \$1,250,000 due to the State of Georgia, and \$311,148 91, for the expenses of surveying, being deducted, leaves in the Treasury the sum of \$1,239,259 20 applicable to the payment of the outstanding stock, which is equal to sixty-six per cent. thereof.

I have the honor to be, very respectfully, sir, your most obedient servant,

WM. H. CRAWFORD.

HON. PRESIDENT OF THE SENATE.

At a meeting of the Commissioners of the Sinking Fund—present, John Gaillard, President of the Senate *pro tem.*; John Marshall, Chief Justice of the United States; John Quincy Adams, Secretary of State; William H. Crawford, Secretary of the Treasury; William Wirt, Attorney General:

The Secretary of the Treasury reported that the stock issued under the act of the 31st of March, 1814, entitled "An act providing for the indemnification of certain claimants of public lands in the Mississippi Territory," amounts to \$4,282,451 12; that, of this sum, there has been received at the Treasury and cancelled \$2,435,216 18; and that there is now outstanding the sum of \$1,846,934 94; that, of the proceeds of the public lands in the States of Mississippi and Alabama, after satisfying the claims of the State of Georgia, and the expenses of surveying said lands, there remains in the Treasury, applicable to the discharge of the said stock, the sum of \$1,239,259 20; that this sum is equal to sixty-six per cent. of the stock outstanding: whereupon,

Resolved, That the Secretary of the Treasury is hereby directed to apply the said sum of money in discharge of the said stock, in the proportion of sixty-six per cent. of each certificate thereof which may be presented at the Treasury upon and after the 15th day of May next.

J. GAILLARD, *Pres. Senate pro tem.*

J. MARSHALL, *Chief Justice U. S.*

JNO. Q. ADAMS, *Secretary of State.*

W. H. CRAWFORD, *Sec'y Treas.*

WM. WIRT, *Attorney General.*

FEBRUARY 26, 1820.

NEW YORK, February 10, 1820.

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the undersigned respectfully sheweth: That they are largely interested in Mississippi stock; that, by the certificates issued under the authority of an act of Congress passed in March, 1814, it is certified "that the amount is payable

Remonstrance against a change in the Revenue System.

out of the first moneys in the Treasury of the United States arising from the sales of public lands in the Mississippi Territory, after the money due to the State of Georgia and the expenses of surveying such lands have been satisfied."

That it appears, by the reports of the Secretary of the Treasury, that the amount outstanding of the awards made by the commissioners appointed for indemnifying certain claimants of public lands, which it is understood includes the Mississippi stock, was, on 10th December, 1819, \$1,909,576 81; that it appears, by the reports of the Secretary of the Treasury, that sales of lands to an amount much exceeding the outstanding balance of Mississippi stock, have been made, but your memorialists are unable to ascertain at what periods enough had been sold to satisfy the claims of the State of Georgia, and to entitle your memorialists to have their certificates paid. Your memorialists respectfully submit, that they consider themselves entitled to interest on the amount of their certificates from the period when sales of the lands pledged for the redemption of this stock have been made sufficient to pay the same, whether the amount was in the Treasury in money, or in obligations bearing interest; inasmuch as it cannot be doubted that such security has been taken as to the wisdom of the Government was deemed sufficient to render the final payment certain, and inasmuch as, on a different construction, the United States would be receiving interest for a delay of payment, manifestly at the expense of your memorialists.

Your memorialists, relying confidently in the justice of Congress, therefore respectfully pray that a law may be passed authorizing the Secretary of the Treasury to redeem the Mississippi stock, with interest, from the period when it shall appear from the returns in the proper offices that sales to an amount sufficient to pay off the same have been made.

Henry Remsen,	Hurd & Sewall,
John Fleming,	John G. Warren & Son,
S. M. Coun,	Nevius J. Townsend,
S. Flewwelling,	Gulian Ludlow,
Daniel Boardman,	John Mowatt, jun.,
W. Goelet Bucknor,	Samuel Jackson,
B. Huntington,	Henry D. Sewall, as ex-
Robinson & Benson,	ecutor of S. Sewall.

REMONSTRANCE AGAINST A CHANGE IN THE REVENUE SYSTEM IN RELATION TO CREDIT.

[Communicated to the House, March 11, 1820.]

*To the Senate and House of Representatives of the
United States in Congress assembled :*

The memorial of the Chamber of Commerce of the city of Philadelphia respectfully sheweth : That your memorialists entertain, and beg leave to submit to your consideration, the following sentiments upon propositions which have been introduced to your notice, for a very important change in the revenue system of the United States.

That the scheme which was adopted at the commencement of our fiscal system, for the collection of duties on foreign imports, was wise, and well adapted to the state of the country, has, perhaps, never been questioned. Its excellence has been tested by nearly thirty years experience; and it may safely be said, that the advantages which were contemplated by the framers of this system have been secured. The Government has received its revenue with punctuality; it has sustained no loss by reason of the credit for duties, which deserves consideration. The collection has been made with the least possible expense; and a widely extended, active, and vigorous commerce has contributed largely to the stock of national wealth and prosperity.

In considering the proposition to abolish a system of credit which experience has thus approved, it becomes proper to inquire what are the evils which are supposed to be connected with the existing system, and what are the advantages which are expected to result from a change?

It is supposed by those who advocated a change, as your memorialists understand, that the credit for duties has furnished capital for an extension of business, and that from this cause have proceeded the embarrassments and difficulties which have been felt throughout the country.

The credit for duties is not intended, nor is it fairly to be considered, as putting the use of a capital into the hands of the merchant, because it does not in reality afford him a capital to trade upon, but simply relieves him from the burden of making an advance beyond his means. Its object is rather to be just than to be generous; and it is as wise and politic in relation to the community at large, as it is just to the importer. The foundation of the credit is the fact that the goods do not produce their price immediately upon importation; and the principle, that it would be unjust that the importer should be in advance to the Government for the duty, and severe upon the consumer that he should bear the heavy consequences of such an advance. It is, therefore, a wise and sound calculation, that, by allowing to the importer, upon good security, time, according to the nature of the commodity, to make his sales, the Government will receive its dues when it ought to receive them; and no one will suffer, as would be the case by an anticipation of the payment of duties on articles which oftentimes are long retained by the importer, and, when sold, are necessarily sold upon a liberal credit.

Your memorialists believe this view of the system to be correct; and, although instances may occur in which this credit is abused, and is made to furnish the means of wild adventure, it is an unsound argument to draw therefrom an inference against the system.

Your memorialists are convinced, upon these grounds, that the opposers of the present system of credit for duties entertain mistaken views in relation to the nature, policy, and operation of the system itself, in supposing that it furnishes a capital to trade upon, and has a connexion with the evils and embarrassments which afflict this country.

Duty on Imported Molasses.

The capital of the country has doubtless increased, and, at particular periods of time, it may be that even more is devoted to commerce than can be profitably employed. Whenever this is found to be the case, there can be no doubt that the surplus will readily find its way into other channels, and seek for employment in more profitable modes.

But it cannot be pretended that there is an excess of capital in the country; and, until that shall be the case, it would seem to be unwise to condemn to a state of inactivity so great a portion as would, by the plan proposed, be continually in deposit in the public stores.

And further, your memorialists are convinced that the reasoning is erroneous which is founded upon the supposition that an extension of capital, or credit equivalent to capital, would be productive of mischief.

It is not alleged, as your memorialists believe, by the advocates of a change, that it would promote the great objects which are ever to be regarded in relation to revenue—security of the debt, punctuality in its payment, and ease and economy in its collection. On the contrary, it must be doubted whether, if a system of deposits of public stores were established, the collection would not be more expensive, and the payment less certain and punctual, than at present. It is well known that, in times past, the calculations of the Treasury upon the receipt of duties have been made without disappointment; and that this portion of the public income is collected without oppression or inconvenience to those who pay, and with little expense to the Government. So far, then, as relates to the great interests of the Treasury, the contemplated change seems to promise no advantage.

If the proposed change should be effected, your memorialists conceive that much mischief would unavoidably ensue.

The men of moderate capital, however deserving of confidence, and however active and skilful in the prosecution of business, would be driven from the field; and it would be occupied alone by men of large capital, who could bear the burden of heavy advances for duties upon unsold goods. Even these would probably be foreign agents, who, by a system of exchange, could comply with the requisites of law, without, in fact, making the same advances as must be made by the American merchant. We should exchange a certain for an uncertain revenue; the expense of collection would be increased; and if the perils of fire, waste, pillage, and sacrifice by sale of unredemmed goods, be regarded, it may be said that the ultimate product would, no doubt, be diminished.

But, above all, your memorialists beg leave to suggest that the present state of the country is adverse to such a measure as that proposed. At a moment of general embarrassment, to call for such advances as this plan requires would make the embarrassment doubly felt, and give a most serious blow to the commerce of the country.

Your memorialists hereupon express the earnest hope that there will be a firm and unyielding adherence to the system of credit, which is founded in justice and a wise policy, and which has been

approved by the experience of many years; and that the mere hope of escaping from present evils, by an untried way, opposed to such experience, will not be permitted to influence the Government to an abandonment of this system.

ROBERT RALSTON,
President of the Chamber of Commerce.

Attest: JOHN VAUGHAN, *Sec'y, C. C.*
PHILADELPHIA, March 6, 1820.

DUTY ON MOLASSES.

[Communicated to the Senate, April 13, 1820.]

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

The subscribers, being merchants, distillers, and owners of distilleries, in the town of Boston and its vicinity, beg leave respectfully to represent: That the proposed increase of duty on molasses will, if carried into effect, prove not only injurious to them, but, through them, to the most important interests of our country.

In the first place, the consumption of molasses for the purpose of distilling enables the West India planter to buy the produce of our fisheries, soil, and domestic industry, and to pay for it in an article which, being bulky, furnishes employment and freight for an immense tonnage, and is a raw material, which, in the process of manufacture, gives employment to as great a portion of the active industry of the country as any branch of business whatever. And your memorialists cannot see why a raw material, and principally for the manufacture of rum, should be chargeable with a duty equal to one-half its first cost, when hides, skins, copper, brass, tin, dye-woods, rags, and a variety of other raw materials, are suffered to be imported duty free. Nor can your memorialists understand the policy which should thus paralyze, and perhaps destroy, a very old manufacture, the very buildings and apparatus of which, in the various establishments of this commonwealth, may be estimated at one million of dollars; making, annually, from thirty to forty thousand hogsheads of rum, and furnishing the means of subsistence for thousands of persons; furnishing a most important article of trade, for our coasting business; and creating a demand, for putting up the molasses and rum, of one hundred and sixty thousand casks.

Your memorialists might enter into a great variety of details to show the importance of the distilling business to the public; but it must be obvious to your honorable body, without the necessity of its being forced on your observation, that the active industry of the country, employed in the importation of fifty of sixty thousand hogsheads of molasses into the United States; the wharfage, cartage, cooperage, storage, and labor, consequent on the landing; the vessels employed to bring the molasses; the seamen who navigate them; the labor, wood, carting, and other expenses necessary to convert it into rum; the casks, coop-

Protection to American Manufactures.

erage, carting, and tonnage necessary to distribute the rum to its various consumers—that these operations of trade, consequent to, and connected with, the distilling business, being considered, it may safely be affirmed that, with the sole exception of the manufacture of flour, there is hardly another species of manufacture which sets in motion and supports such a large and important portion of the productive industry of the United States as the distillation of rum.

In addition to what your memorialists conceive the injustice of taxing the raw material used for one species of manufacture, when the principal raw materials for other species of manufactures are imported duty free, your memorialists beg leave to state that, in New England, generally, the consumption of molasses by the poor, always great, has increased, and is increasing, since the diminished value of all our own products; the consumers being unable to afford to pay for sugar, as formerly.

Your memorialists may be suffered to remark, with some surprise, that in a tariff of duties, purporting to encourage domestic manufactures, the raw materials for such a manufacture as the distilling of rum from molasses (one of the oldest manufactures in the country, and intimately connected with the lumber, fishing, coasting, and West India trade) should be taxed, as before stated, to about one-half of its first cost.

NATH. HALL, *and others.*

PROTECTION TO MANUFACTURES.

[Communicated to the Senate, April 15, 1820.]
To the Senate and House of Representatives of the United States:

The memorial of the Pennsylvania Society for the encouragement of American manufactures respectfully sheweth: That your memorialists have read, with the deepest regret, two remonstrances presented to your honorable Houses, from agricultural societies in the State of Virginia, deprecating your interposition, in favor of the manufacturing part of the community.

These documents, containing sundry allegations injurious to your memorialists, and resting, as shall be made to appear, on an unsound basis, require a detailed investigation, to which we respectfully request your attention.

We must premise, that we should have hoped that the ruin of so many of the manufacturers, the depressed state of those who have hitherto escaped the situation in which their brethren have been involved, and the distresses of that class whose sole dependence is on their labor, would have prevented this unkind interference, calculated to continue their sufferings; that the generous sympathy which their situation ought to have excited in the breasts of fellow-citizens, embarked in one common cause, would have averted this hostility, even had all the allegations of the remonstrances been irrefragable; whereas, we hope

to prove that such as are of any importance are easily susceptible of refutation. The disappointment fills us with surprise and regret, and is ill calculated to foster those kind regards and attachments which ought to subsist among members of the same community, and which we have always cherished towards our agricultural fellow-citizens.

But our appeal and that of our brethren has not been made to the generosity or compassion of our fellow-citizens. We appeal to their honor—to their justice. We ask, at length, after a lapse of thirty years in which the Government has existed, for a share of that protection so bountifully bestowed upon commerce, and which agriculture, as will appear, has abundantly enjoyed.

The allegations of the agricultural societies are principally confined to three points:

1. The extortions said to have been committed by manufacturers during the war.

2. The danger and oppression of monopolies, exclusive privileges, &c.

3. The injustice of affording protection to manufactures, when agriculture disclaims all protection.

There are sundry minor points, which we shall pass over, in order to avoid prolixity.

The charge of extortion is couched in these words:

“We submit respectfully to your wisdom the impolicy of subjecting so large a portion of your fellow-citizens to such unreasonable cupidity; of laying them at the mercy of an association, which, competition being removed, will no longer consider the intrinsic value of an article, or what price would afford a fair profit to the manufacturer, but how much the necessities of the consumer would enable them to extort. Of this spirit we had a sufficient specimen during our late contest with Great Britain.”

This uncharitable accusation we hope to prove wholly destitute of foundation. The article on which it chiefly rests is superfine broadcloth, which was raised from eight or nine dollars, the price before the war, to twelve, thirteen, and fourteen, during the war. The reasoning applicable to this case applies with equal force to all the others.

All doubt of the injustice of this allegation will be laid at rest forever by the simple fact that merino wool, the raw material of that cloth, which, before and shortly after the commencement of the war, was sold at seventy-five cents per pound, was raised during the war to three and four dollars—an advance of three hundred per cent.; so that there was less profit per cent. on the capital employed by the manufacturer at high prices of the cloth, so much the subject of complaint, than at the former moderate price.

We trust that this strong fact, which can be judicially proved at the bar of your Houses, will prevent any man of honor or candor, as he values his reputation, from ever again repeating so unfounded an accusation.

But if we have never retorted this charge against our accusers, if we have forborne recrimination, it has not been for want of materials, but from an

Protection to American Manufactures.

unwillingness to cherish an unkind and unfriendly spirit towards our fellow-citizens. And now, notwithstanding the repeated and wanton provocations we have received, we resort to the measure with pain. We should gladly have buried in oblivion all our causes of complaint, and cherished a kind and fraternal spirit, in the hope of exciting a suitable reciprocation. But the style and manner of the accusations against us, their unceasing repetition, the hostile disposition they display, and the ruinous consequences they are calculated to produce on the general welfare of the nation, render it a duty to ourselves, to our country, and to the cause of truth, to prove that our accusers are far from invulnerable in this point, and are under high obligations to us for past forbearance.

In the year 1788 flour was four dollars per barrel in our seaports, which was regarded as a fair and liberal price. In the next year the demand for the supply of France took place, and this article was raised to five and six dollars; from year to year afterwards it rose to ten, twelve, and fourteen dollars; and probably it averaged, during the whole of the French revolution, above ten. We submit to a candid world whether this fact does not more completely establish the charge of "extortion," than the rise of broadcloth from eight or nine to fourteen dollars, or even to thirty, had it taken place, when the raw material rose from seventy-five cents to four dollars per pound; and whether the rise on the wool itself is not incomparably more "extortionate" than that on the broadcloth? The latter was not only justifiable, but imperiously necessary, by the rise which we have stated on the raw material; but, for the rise on wool or flour, no such reason existed. It did not proceed from any advance "in the intrinsic value of the article," to borrow the words of the Petersburg remonstrance, "nor from a consideration of what price would afford a fair profit to the" farmers; "but how much the necessities of the consumers enabled them to extort."

At the same period (1788) butter was ten cents per pound; beef and pork five cents; tobacco three or four; and all other agricultural articles in the same proportion. They have since been raised from one to two hundred per cent. above those prices. Yet we have never alleged against the farmers or planters the odious charge of "extortion," at which they would have revolted. Have they, we ask, a right to raise their prices one or two hundred per cent. at pleasure, when the demand warrants it, without "extortion;" and yet to wound the feelings and injure the characters of their fellow-citizens, by the odious imputation of "extortion," when the advance of the raw material by themselves renders a rise of manufactures necessary? If this be a chartered privilege, we wish to know whence it is derived, and by what tenure it is held. Seriously, we presume this to be the strongest illustration of the parable of the beam and the mote that the variegated history of mankind presents.

Flour is now four dollars and seventy-five cents per barrel on the seaboard. Should war or famine take place in Europe, the price would be immedi-

ately raised one, two, three, four, or five dollars per barrel; and in proportion to the intensity of the distress would be the tax levied on the consumers in this country. There are about three millions of white people in the United States not engaged in agriculture, who consume, on an average, two barrels of flour per annum. A rise of three dollars, which might take place immediately, in case of a very extraordinary demand, would amount, on this article, to a gain of eighteen millions of dollars, levied by the farmers on the rest of the community during the ensuing year, exclusive of probably an equal amount on all other agricultural productions, liable to a proportionate advance of price. And this is not a mere hypothesis of what may occur; it is the history of the last thirty years, and of the immense prices (again to borrow the vituperant language of the remonstrance) which "the necessities of the consumers have enabled" the farmers "to extort."

Nothing but the endless, the irritating misrepresentations we have experienced, would induce us to retort this strong language upon our accusers.

The United Agricultural Societies of Virginia prefer a claim to a high degree of superiority over the other classes of the community, which calls for observation. They state that—

"In every nation, with whose internal affairs we are familiarly acquainted, the landed interest has been proverbial for their liberality in comparison with any other class."

It is unfortunate that this assumption of liberality appears in an instrument, the direct object of which is to bar the door to the relief of their fellow-citizens, and to consign them and their families to that wretchedness and ruin which has befallen so many of their brethren! Before this claim to "proverbial liberality" can be admitted, proofs must be adduced different from the document in which it is asserted. The contrast between this strong assumption and the object of the remonstrance, though very striking, is not uncommon. Every day's experience so strongly proves the extreme discrepancy between profession and practice, that no illustration can be necessary.

The societies distinctly hold forth to the world that agriculture neither has been, nor is, secured by "protecting duties." They state—

"We solicit not the fostering care or patronage of the Legislature to alleviate, by bounties, monopolies, or protecting duties, calamities in their nature as inevitable as they are incurable by legislative interposition."

The Fredericksburg Society also state—

"We ask no tax upon manufacturers for our benefit. Neither do we ask any thing of Government, to enable us to cultivate the soil as we could wish."

The high character of the members of those societies forbids the supposition that this was an intentional misstatement. We are, therefore, inexpressibly astonished at the utter unacquaintance with the real state of the case betrayed in these quotations, which evinces how superficially these gentlemen studied the subject on which they un-

Protection to American Manufactures.

dertook to interpose to prevent the success of our applications for relief.

The view they present is so far from fact, that it is the reverse of fact. The average of duties on such agricultural productions as are usually imported into this country has been, from the commencement of the Government, far higher than those on manufactures.

We will state the case at two periods, remote from each other, viz., 1789 and 1820. The intermediate space exhibits the same features.

In the former period, cheese was subject to a duty equal to fifty-seven per cent.; indigo sixteen, snuff ninety, manufactured tobacco one hundred, coals fifteen, hemp and cotton twelve; whereas, seven-eighths of all the manufactures imported, including cottons, woollens, and iron, were subject to only five per cent. This, we presume, is full proof of the inequality of the system of legislation with which the Government commenced, and of the care with which the agriculturists, who formed the great mass of the National Legislature, guarded their own interests.

Hemp, at present, is subject to a duty equivalent to twenty-six per cent.; cotton thirty, cheese ninety, spirits eighty, snuff seventy-five, manufactured tobacco one hundred, coals thirty-eight and a half, sugar thirty-seven and a half, and potatoes fifteen—averaging fifty-eight per cent. Few other articles, the product of the earth, are imported; but they are all, except three or four, subject to fifteen per cent.

Of the manufactures imported in the year 1818, one twenty-fifth part paid a duty of seven and a half per cent., one-third fifteen, one-sixth twenty, two-fifths twenty-five, and one twenty-fifth part thirty per cent.*

On this striking contrast, which affords no proof of "the proverbial liberality" of the landed interest, we offer but a single comment. It adds one to the numerous melancholy instances with which history abounds, that where one particular interest predominates in a legislative body, the others rarely experience impartial justice. We will notice only one article, which places in a strong point of light the different degree of protection experienced by agriculture and manufactures. Cotton, a raw material, is subject to a duty of thirty per cent., and the freight is about the same. The cotton planter has therefore a protection of sixty per cent.; whereas fine muslins and cambrics pay but twenty-seven and a half per cent. duty, and the freight is not more than one or two per cent. Thus, the planter, who disclaims the idea of "protection," has an advantage over his manufacturing fellow-citizens of above thirty per cent., independent of the immense difference between the pro-

tection necessary for articles produced by agriculture and those by machinery. It may be assumed, without danger of contradiction, that cotton would be better protected by a duty of twenty per cent. than cambrics or muslins by sixty or seventy. We do not find that the tariff of any other country whatever presents such an extraordinary feature.

Great emphasis is laid, by the agricultural societies, on the danger of "monopolies granted to one class or order at the expense of another."

This forms a fertile theme, on which they descend very freely. They remonstrate against—

"Unequal and partial taxes, awarding exclusive privileges, or sustaining the manufacturers in the enjoyment of oppressive monopolies, which are ultimately to grind us and our children after us to dust and ashes."

"In this way alone can the benefits of good government be equalized among the various orders and classes of society, the prosperity and happiness of which depend not upon immunities, privileges, and monopolies granted to one class or order at the expense of another," &c.

We are constrained to state, that the want of due consideration which prevails throughout the remonstrances is here very conspicuous. Monopoly, according to Johnson, means "the exclusive privilege of selling any thing." And a monopolist, according to the same authority, is "one who, by engrossing or by patent, obtains the sole power or privilege of vending any commodity." There is not, therefore, such a thing or person in this country as a monopoly or monopolist; nor, while our present Constitution exists, can there be a monopoly. For, suppose manufactures of wool, cotton, iron, and leather were altogether prohibited, those branches would be open to the admission, and consequently to the competition, of any part of the community—to farmers as well as others, and even to capitalists from any and every part of Europe, if they judged proper to embark in them. Where, then, is the monopoly?

While the agricultural societies were thus denouncing what they thought proper to brand with the odious term "monopoly," they did not reflect that they were themselves far more liable to the accusation than those against whom they preferred it. The great mass of the manufactured articles purchased by the farmers and planters of the Southern States, and probably one-half of what are purchased by those in the others, are imported. Whereas, the manufacturers of the United States have not consumed of foreign articles of food and drink, since the organization of the General Government, two per cent.

Thus, while there has been an incessant clamor against "the monopoly" of the manufacturers, whose market is open to and engrossed by rivals from half the nations of Europe, it appears that the farmers and planters have what they term "a monopoly;" which, however, is only an exclusive supply of the home market. It may be doubted whether a more extraordinary case is on record.

We shall conclude our observations on those memorials with one further extract.

"To guard" (the Fredericksburg Society ob-

* At 7½	-	-	-	-	-	\$2,387,693
At 15	-	-	-	-	-	19,455,525
At 20	-	-	-	-	-	9,524,531
At 25	-	-	-	-	-	24,804,188
At 30	-	-	-	-	-	2,633,637

\$58,805,574

Protection to American Manufactures.

serves) "against the possibility of misapprehension, we take this occasion to say that we are incapable of feeling any thing like enmity against manufacturers, or any other useful description of citizens, but heartily wish them all the success to which their skill and industry may entitle them, in whatever way applied."

This declaration would have been more acceptable, and claimed our gratitude, had it not accompanied an attempt, on the part of those who make it, to do us all the injury in their power to inflict; to prevent a compliance with our just claims, and to perpetuate our present intolerable sufferings.

Your memorialists regret to find that the same adverse spirit towards them that prevails among these small bodies of their agricultural fellow-citizens has been excited among a portion of the mercantile class. They request your favorable hearing of a few remarks on the memorial of the merchants of Salem on this subject. It "calls the attention of Congress to measures that have recently been proposed, and apparently approved, for the purpose of prohibiting the importation of foreign woollen and cotton goods."

Your memorialists are constrained to state that this view is very uncandid. They never did contemplate "a prohibition of foreign cotton and woollen goods," generally. There is not a sane man in the country who, if he had the power, would enact a total exclusion. A large portion of those goods is not, and for a long time to come cannot be, manufactured in this country, and therefore must be imported. Your memorialists deprecate and solemnly protest against the influence of a system which has been heretofore too successfully pursued; that is, defeating their fair and legitimate objects, by ascribing to them views which they wholly disclaim. Of this unfair system, their dearest interests have been frequently the victims. Were it necessary, they could produce numerous instances of early and recent date.

"If we are not willing to receive foreign manufactures, we cannot reasonably suppose that foreign nations will receive our raw materials."

"We cannot force them to become buyers when they are not sellers, or to consume our cottons when they cannot pay the price in their own fabrics."

"We cannot expect them to carry on a ruinous trade, when the profit is all on our side."

These paragraphs are liable to the exceptions urged against the preceding one. They assume the extraordinary idea, (which insanity alone could harbor,) that importation is expected to be wholly prohibited. All that is necessary for the restoration of the country, and for the prosperity of the manufacturers, is such a modification of the tariff as will reduce our imports within the limits of our exports, and prevent our manufactures and manufacturers from being overwhelmed by the inordinate inundation of foreign fabrics.

"While the manufacturers are left free to engage in their own peculiar pursuits, enjoying, in common with others, a reasonable protection from the Government, the memorialists trust it is no undue

claim on their part to plead for the freedom of commerce also, as the natural ally of agriculture and naval greatness."

There is an assumption here of "freedom for the manufacturers," which is not warranted by the fact. When their business is annihilated, and themselves ruined by the immoderate introduction of foreign merchandise, as has occurred to too many of them, can it be said that they "are free to engage in their own peculiar pursuits?" We will render this plain, by applying it to the case of the merchants. The vessels employed in the coasting trade for thirty years have averaged about four hundred thousand tons annually. Were foreign vessels allowed to engage in that trade, to the amount of three hundred thousand tons, would it not be a mockery were the merchants informed, while their ships were rotting at the wharves, and themselves reduced to bankruptcy, that "they were free to engage in their own peculiar pursuits?" And is it not a perfectly analogous case, when the manufacturers are ruined, and their machinery rotting and rusting through the extravagant influx of foreign articles, to be gravely told that they are "free to engage in their own peculiar pursuits?"

"It is a sound political maxim, that the more free trade is, and the more widely it circulates, the more sure will be its prosperity. Every restriction which is not indispensable for the purposes of revenue is a shoal which will impede its progress, and not unfrequently jeopard its security."

The doctrine here advanced, on the broad and unqualified scale on which it is predicated, is unsound and contrary to the practice of the most prosperous States, and to the principles of the wisest statesmen. Can the prosperity of trade be promoted by the free introduction of foreign luxuries, which destroy the industry of our own citizens? Has it been promoted by the immoderate quantities of goods imported into this country, whereby its circulating medium has been exhausted, and an enormous debt contracted for articles which our own citizens could have supplied?

To test this plausible maxim, which has done infinite injury to this country, we will, as in the former case, apply it to the merchants themselves. The use of foreign vessels is almost virtually prohibited in this country by "restrictions not indispensable for the purposes of revenue." Suppose these "restrictions" were removed, and that foreign vessels were entitled to the same privileges as our own, what would be the consequence? They would be employed here in large numbers, to the ruin of the merchants and ship-builders. Would they not, in that case, as zealously contend against the maxim as they now uphold it? And can there be any just reason why the manufacturer, entitled to equal rights with the merchant, should be ruined by foreign rivals, and the merchant secured against this rivalry? In the scales of impartial justice, the rights of each ought to have equal weight.

Although the merchants of Salem invoke Congress in such emphatical terms to support that "freedom of trade" which impoverishes the nation,

and, by exposing their manufacturing fellow-citizens to the competition of rivals in every quarter of the world, has ruined so large a portion of them, there is scarcely a session in which the mercantile interest does not memorialize Congress for protection against foreign competition. On this conduct, so partial to themselves, and so excessively unkind to us, we dare not trust ourselves to comment.

It would extend this memorial to an unreasonable length if we particularized one-half of the "restrictions" of foreign commerce in favor of our merchants. We shall confine ourselves to a few prominent cases to prove that this maxim, now so zealously urged, has had no weight when the interests of that class were at stake; and that the "restrictions" on foreign commerce which they succeeded in obtaining, were not only "not indispensable for the purposes of revenue," but in many cases pernicious to it.

When the competition of foreign merchants in the coasting trade was wisely destroyed in the very outset of the Government, by a heavy prohibitory tonnage duty, and afterwards by positive prohibition, was this measure "indispensable for the purposes of revenue?" Was it not, according to the Salem memorial, a "shoal to impede the progress of trade?"

When, in the first session of Congress, foreign merchants were excluded from the China trade by extra duties on teas imported in foreign vessels, averaging one hundred and seven per cent., were they "necessary for the purposes of revenue?" Did they not rather impair the revenue?

When, more recently, an extra tonnage duty of two dollars per ton was imposed on foreign vessels arriving from ports which American vessels were not allowed to enter, was this "necessary for the purposes of revenue?" Where then was the alarm about "shoals to impede the progress of trade?"

Was the act prohibiting the introduction of plaster of Paris in foreign vessels "necessary for the purposes of revenue?" or was it not rather "a shoal to impede the progress of trade?"

Was the act passed in a late session of Congress, of which the object was to coerce the British nation to abandon the chief feature of their navigation act, which they prize so highly, "necessary for the purposes of revenue?" Has it not, on the contrary, injuriously affected revenue and agriculture?

And, in fine, we ask, and hope for a fair and explicit answer, whether the strong "restrictions" now contemplated against both Great Britain and France are "necessary for the purposes of revenue?" Whether they are not, like the former, "shoals to jeopard" agriculture and "revenue?"

The acts above alluded to, and a great variety of others which abound in our statute book, do not require much comment. They speak a language not to be misunderstood. It appears, and cannot fail to astonish your honorable Houses, that while the merchants have, from the commencement of the Government, applied for and been favored with "restrictions" not only "not necessary for the purposes of revenue," but in many cases pernicious to

it, a portion of them now use all their energies to defeat the reasonable objects of your memorialists, and consign them to destruction, on the ground that the restrictions contemplated are "not necessary for the purposes of revenue."

"One sacrifice is to be demanded after another; one prohibition heaped upon another until all the sources of foreign commerce are dried up; and domestic manufactures, sustained by enormous bounties, absorb the whole moneyed capital of the nation."

It ill becomes the advocates of a commerce "sustained by enormous bounties," in the shape of tributes to Barbary Powers; foreign intercourse; a most oppressive naval expenditure, amounting for the current year to \$3,500,000; a commerce which has entailed on the nation a war debt of nearly \$80,000,000, to hold this language respecting manufactures, on which the Government has never expended a single cent in thirty years. And what, we ask, has called forth this emphatical denunciation of manufactures? Merely a request, on the part of the manufacturers, of a duty of forty or fifty per cent. on cottons, wools, iron, and some other articles, in order to enable our citizens to compete with the half-starved and half-clothed workmen of foreign nations. This is the tremendous danger which is "to dry up all the sources of foreign commerce," and "absorb all the moneyed capital of the nation!"

We cannot forbear to state that it is no proof of the intrinsic goodness of a cause, when its advocates are reduced to the necessity of drawing high-colored and extravagant portraits of dangers which have no existence but in their own heated imaginations.

"It is not a little remarkable that these attempts are not only repugnant to those maxims of free trade which the United States have hitherto so forcibly and perseveringly contended for as the sure foundation of national prosperity, but they are pressed upon us at a moment when the statesmen of the Old World, in admiration of the success of our policy, are relaxing the rigor of their own systems, and yielding themselves to the rational doctrine, that national wealth is best promoted by a free interchange of commodities, upon principles of perfect reciprocity."

It is painful to us to state that this entire paragraph rests upon untenable ground. We look in vain for the evidences of "the national prosperity" on which the merchants predicate their reasonings. Where are those evidences to be found? Is it in the decay and destruction of so large a portion of the national industry? If this be a sign of "national prosperity," then is this nation prosperous to a degree unexampled in its annals, except in the interval between the close of the Revolutionary war and the establishment of the present form of government. Is it in the decline of commerce and navigation? Is it in the bankruptcy of so large a portion of the merchants, traders, and manufacturers of the country? Is it in the violent measure which the Legislatures of four or five of the States have adopted, of arresting the course of justice, and suspending the collection of debts? Is it in the augmentation of poor rates, the increase of

Protection to American Manufactures.

mendicants and soup houses? Is it in the failure of revenue to the enormous amount of \$5,000,000 for the present year? Is it in the exclusion of one of our chief staples from the British markets, and the very great depreciation of the price of the rest? Is it, in a word, in that state of affairs, justly characterized in a recent report, by the Secretary of the Treasury, in these strong terms:

"But few examples have occurred of distress so general, and so severe, as that which has been exhibited in the United States?"

These, alas! are no symptoms of "national prosperity," and of "the success of our policy," which, we are told, and with a grave and sober air, as if the assertion were irrefragable, excites "the admiration of the statesmen of the Old World!"

We look around in vain, we repeat, for this "national prosperity," which sounds so captivately. And we look equally in vain for "the admiration of the statesmen of the Old World," of "the success of our policy," which is brought forward to tickle our national vanity. It would be vain to seek for the "success of a policy," which, after twenty years of a most extensive commerce, in which we received exorbitant prices for all our staples, has, in five years of profound peace, with abundant harvests, and wholly free from any natural calamity, reduced an intelligent, industrious, active population, possessed of almost every possible advantage of soil and climate, with water power unequalled in the world, from a towering state of prosperity to its present lamentable situation—a situation which, notwithstanding "the admiration of the statesmen of the Old World," emphatically warns us to change a policy, which built our prosperity not on the solid basis of national industry, but on the wretched foundation of foreign wars and famines, and has rendered us dependent on foreign nations even for the chief part of the clothes we wear, although possessed of the most valuable raw material in the world, to an extent commensurate with the demand of nearly half the globe.

But if we look in vain for this "national prosperity," for "the success of our policy," and for "the admiration of the statesmen of the Old World," we look equally in vain for "the relaxation of the rigor of their system." When this memorial was draughted, early in January last, and likewise when it was presented to Congress, on the 31st of that month, there was not before the American nation a trace of such relaxation in any part of Europe whatever. The assumption, therefore, on which so much of the argument of the memorial is predicated was unwarranted by the fact.

The countries with which the chief part of our intercourse is carried on are Great Britain and France. In the three last years of our domestic exports, amounting to \$192,000,000, there were \$141,000,000 exported to these two countries; whereas, to Russia, Sweden, Denmark, Norway, Prussia, the Hanse Towns, and all the ports of Germany, we only exported \$11,000,000. Of course, we are little interested in the commercial arrangements of those nations.

The signers of the Salem memorial are called

upon to produce any symptom in Great Britain or France of this very extraordinary "admiration," or its effects. Our policy is truly a subject of "admiration" for the desolation it has produced, as hurricanes and tornadoes are; but not of imitation to any wise nation. No symptoms of such imitation can be found. On the contrary, the cords are every day drawn tighter. So far as respects France, the Edinburgh Review for July, 1819, informs us that—

"The anti-commercial system of the ex-Emperor, instead of being modified or repealed, has, in fact, been adopted in all its extent, by his legitimate successors, and in their hands has become doubly efficient."

No alteration has taken place since that period. We are therefore warranted to state that the "admiration" and imitation of "the success of our policy," which form so capital an item in the Salem memorial, cannot be substantiated in France. And the rigorous acts recently passed and now contemplated by this Government, to counteract the British restrictive commercial policy, prove that that nation, in like manner, does not fall within the description of the Salem memorial, as excited to "admiration" or imitation of "our policy" by its wonderful "success."

When the Salem merchants laid down the maxim that "national wealth is best promoted by a free interchange of commodities, upon principles of perfect reciprocity," did they mean to convey the idea that the United States enjoy such a "free interchange?" It cannot be. There is no nation in the world which carries on commerce more completely destitute of "perfect reciprocity."

Our ports are open to the manufactures of all the world. Whereas, most of the ports of Europe, and all those of the colonies of that quarter of the globe, are shut against ours. This is a practical commentary on the "perfect reciprocity" which the Salem memorial insinuates we enjoy.

Again: we exchange necessities of life, and raw materials in the most rude state, for manufactures elaborated with the last finish of human industry and skill: thus, in every case, we exchange the labor of two or three, and, in many, that of ten, twenty, and thirty persons for one. Our cotton is returned to us in a manufactured state at an average of fivefold its original cost.

It is this species of one-sided "perfect reciprocity" which has produced "a distress so general and severe" that "few examples" of equal intensity "have occurred," and which has rendered the situation of the United States an object of regret and sympathy for its friends, and of exultation for its enemies. It is full time for the guardians of the nation's rights to secure to it something like "reciprocity," in its intercourse with the rest of the world.

We cannot close this memorial without expressing our astonishment and regret that an idea could ever have prevailed of the existence of hostility between the interests of agriculture and manufactures; whereas, the great mass of the productions of the former derive their chief value from the market afforded by the latter. The hides, the

skins, the furs, the wool, a large portion of the cotton, the timber, the coals, the lead, the iron, the pitch, the tar, the turpentine, the tallow, the indigo, the flax of the farmer, find a ready sale among the manufacturers, who likewise consume of provisions one thousand per cent. more than the amount exported to all the world in the most flourishing period of our history.

Your memorialists are gratified to find that the opposition to their just requests has been confined to a small portion of the two great classes of their fellow-citizens.

In submitting these premises to the most serious attention of your honorable Houses, your memorialists hope that you will make such a modification of the tariff as will secure to all persons interested in agriculture, manufactures, and commerce, a full and equal share of protection.

THOS. LEIPER, *Vice President.*

JAMES MEASE, *Secretary pro tem.*

PHILADELPHIA, April 3, 1820.

PROTECTION TO MANUFACTURES.

[Communicated to the House, April 24, 1820.]

To the honorable the Senate and House of Representatives in Congress assembled:

The memorial of the American Society of the city of New York for the encouragement of domestic manufactures respectfully represents:

That your memorialists deem it a duty incumbent on them again to address your honorable body on the subjects embraced in their memorial of the 16th December last.

The excessive and continued importation of foreign manufactures, which is encouraged and supported by the existing tariff, the credit given for the duties, and free sales at auction, have destroyed order and safety in business, discouraged enterprise, suspended labor, and excited the most lively apprehensions for the future peace and welfare of the country.

The facts that have transpired in this market recently are too important in their bearing on this subject to pass unnoticed. By statements, carefully made out, it appears that, in this city alone, about twelve thousand packages of foreign manufactures have been sold at auction, from the 1st January last to 15th April instant, the duties on which are estimated at \$1,000,000; which sum, by this short process, has now become active capital, loaned by this Government to foreign manufacturers and their agents in this country, in aid of such operations, to crush the enterprise and industry of this nation.

The contrast between the policy of this Government, and that of all the great States of Europe, on this subject, is appalling to every citizen who reflects upon it. We admit a free importation of all the manufactures and products of Europe and India, subject only to a light duty, payable at a distant period. We admit foreign adventurers, immediately on landing, to compete with our citizens, in every profession, at their very doors, free

from all taxes, and exonerated from all the legal duties imposed on citizens, while they exclude even our breadstuffs, except when threatened by famine; and it is equally notorious that they are making every effort to exclude also our cotton, tobacco, and other great staples, by encouraging the production of them in their colonies. They impose high import duties, and still higher excise, on all foreign products, which are payable in cash, on delivery of the goods from the ship or public stores, and invariably secure peculiar privileges to their subjects over foreigners.

Your memorialists cannot believe that your honorable body have been duly informed of the deleterious effects arising from the existing system, which is availed of by foreigners, to the utter ruin of all regular business and honest industry. The numerous memorials presented this session for relief, the distresses throughout the country generally, the almost total stagnation of business in all our great cities, speak a language which cannot be misunderstood any longer. The utmost anxiety exists, and is suspended on the deliberations of your honorable body. The nation expects at your hands some efficient measures for relief from present embarrassments, and security for future enterprise.

Your memorialists, therefore, humbly hope that Congress will not adjourn without acting efficiently on the important bills now pending before your honorable body.

W. FEW, *Vice President.*

PETER H. SCHENCK, }
JOHN E. HYDE. } *Secretaries.*

REMONSTRANCE AGAINST AN INCREASE OF DUTIES ON IMPORTS.

[Communicated to the Senate, April 28, 1820.]

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the Chamber of Commerce of the city of Philadelphia respectfully sheweth:

That we have seen, with great concern, the project of a bill reported to the House of Representatives by the Committee of Commerce and Manufactures, calling for a considerable increase of duties on goods imported into the United States. We had hoped that, during the uncommon depression of our commerce and agriculture, no measures would have been taken by our Government to add to the accumulated distress of either. If the mere item of revenue were the only object proposed by the bill, we should think it inexpedient, and as by no means calculated to effect the end proposed; but, considering it as calculated seriously to injure or perhaps destroy our foreign commerce, and to erect on its ruins a manufacturing system, incompatible with our habits and the state of our population, it becomes the duty of those who are to be the victims, respectfully to remonstrate against such manifest injustice.

Remonstrance against an Increase of Duties.

Whatever may be the merits of the system of finance which has existed since the adoption of the Federal Constitution, it is at least entitled to sufficient respect to preserve it from abrogation before a proper substitute be offered. That which is now proposed, so far from increasing the revenue, will in our opinion have a contrary effect, and will at the same time tend to destroy our foreign commerce, and introduce an unfavorable change in our habits and morals. But we beg leave to call your legislative attention especially to that class of society of which we are members, and to reflect upon the consequences that will result, not only to us, but also to the numerous descriptions of tradesmen and artisans who depend on us for their employment and support, from any sudden and radical change in our present condition. Our capitals, to an immense amount, are vested in shipping, warehouses, wharves, and other appendages, belonging to mercantile establishments. We have been prepared by education and habit for the different branches of our calling, and are unfit for any other. Are we then to be required to submit to the destruction of our property, and to renounce the great branch of maritime commerce which is coeval with the settlement of our country? It is in the power of Congress to change our laws, but it is beyond its power to change the force of nature and habit. We have an extensive line of seacoast, indented with fine harbors; we have a bold and enterprising population on that seacoast, to whom the ocean has hitherto furnished subsistence and comfort: they will, therefore, there is too much reason to believe, not be withdrawn from it by any tariff that Congress may think proper to establish. The honorable, conscientious trader, may be compelled to abandon his calling, by reason of the regulations which Congress may impose on it, but the smuggler will take his place, and furnish, on easy terms, every article of foreign luxury on which our legislators may impose prohibitory duties. The warehouses and shipping may be destroyed, and their owners ruined, but they will be replaced by British ships and British warehouses at Montreal, St. Andrew's, and on the English side of the Lakes.

We hope that the class of citizens who are so zealously employed in this great work of change will be called on to show from what source the Government will derive its revenue during the period that must intervene between the overthrow of the present system and the establishment of another; nay, we will even add, after it shall be established. The duties on imports are already so high that the consumption decreases daily; and yet it is proposed to increase the revenue by increasing the imposts: our own experience suggests a very different remedy. Another policy, and we think a better, would have lowered the duties, and sought for greater revenue in increased consumption. Whilst these destructive restrictions are to be resorted to, we hear nothing of internal taxes, when a moderate and wholesome tax on domestic spirits would nearly supply, of itself, the deficiency in the revenue. Whatever may be the object of the tariff proposed, we respectfully believe the end

will be such as we have here stated. The revenue will be diminished, and foreign commerce carried on by fraudulent dealers. We would ask the advocates of this innovation for information as to what is to be done with our surplus agricultural productions during the time of this violent restriction on foreign commerce. We know well how it is to be disposed of when our country shall be covered with workshops and manufactories. We are then to consume it ourselves. But, as the interval will certainly be of many years duration, it is necessary to make some previous arrangement for the disposal of this important item. If we tax to prohibition the produce of other countries, those countries will do the same by ours. We have a notable instance in the duties imposed by us on the wines of Portugal and Spain. Of these we destroyed the consumption by excessive duties; Spain and Portugal have destroyed the consumption of our corn and flour by the same means. This fine branch of trade was thus destroyed; and how does the account stand with the parties now? Why, we drink whiskey that pays no duties, and Spain and Portugal get grain from other countries. We imposed high duties on British goods, and a restrictive duty on her tonnage; she defeated our tonnage duty by an equivalent duty on our tonnage, and superadded a bounty to her own. We were glad to compound, by agreeing to remove all discriminative duties and bounties on the shipping of both nations. Had we also agreed to diminish our duties on such of her manufactures as cannot, for a long time, interfere with our own, we should probably not have witnessed the very extraordinary efforts which she has lately made to procure cotton, the great staple of our Southern States, from the East Indies, to the great prejudice of the value of ours. She would gladly take our raw materials, and pay us in such manufactures as we shall be unable to rival, with the aid even of prohibitory duties, for a long series of years. But, if we take measures to lessen the sale of her goods, she will not be backward in retaliating, by lessening, as much as she can, the consumption of our raw materials. Unfortunately, we have no productions of a character so peculiar as to defy competition, like the teas of China, and the wines and brandies of France. All of our productions are to be found in other countries; and we must not be surprised to see her, at no distant day, forego the use of our cotton, as Portugal now does that of our flour. If England is the original from which we propose to copy our restrictive system, we should consider whether her situation was analogous to ours when she adopted hers. We shall find that every acre of her good land was in cultivation, and that her population and capital were redundant. In none of these items is there a conformity with our present situation: our population is very sparse, compared with our immense extent of territory; and both our population and capital are feeble, compared with the exertions that will be called for in this arrangement. But those are not the only difficulties we shall have to contend with. We have just stated to you the effect of the rivalry and counteraction of other nations, as it respects the

Remonstrance against an Increase of Duties.

exports of our surplus productions. We beg leave to call your attention to the actual situation of England, as it respects her exports. Every nation in Europe is at war with her restrictive system, and have, by their counteraction, reduced her manufacturing establishments, and the persons connected with them, to a condition of unparalleled distress. Even this, our proposed measure, is principally levelled at her. The fact is, that as long as we have surplus productions we must export, and, as long as we export, we must import. But, if we determine not to import, and effect this purpose either by prohibition or by excessive duties, we must be prepared to meet a corresponding feeling on the part of other nations, and to suffer the inconveniences that have uniformly attended restricted commerce, both as it respects our revenue and agricultural interests.

It is not only on general principles that we object to the proposed plan of restriction and high duties, but we are also urged by the peculiarity of our own situation to remonstrate against their unequal and unjust operation. During the last two or three years, the aggregate of the commerce of the United States has been productive of great loss to those who have been concerned in foreign trade; so that the merchant, who should only be the organ through which the revenue is conveyed to the Treasury, has in fact been burdened with a very large proportion of the duty which was intended to fall on the consumer. The diminution of capital has been such as to produce many and very heavy failures throughout the maritime ports of the Union. As long therefore as this state of things continued, we, as before observed, had hoped that no additional duties would have been imposed, inasmuch as those now levied have such an unequal, and we may add, unjust bearing. We have waited, without murmuring, in hopes that a change of circumstances might enable us to receive a decent return for the employment of our capital and labor, but we had not imagined that an aggravation of our sufferings would come from a quarter where we look only for relief. If we are asked why, under such great disadvantages, we have continued to import foreign productions, we answer that, during the whole period, there has been a gradual diminution of mercantile establishments throughout the Union; that those whose capital has principally been invested in shipping have cherished a hope that the reaction consequent on the convulsed state of the commercial world during the last twenty-five years would soon cease to operate; and moreover that it cannot be expected that, as long as there are even hopes of improvement, a very numerous description of persons should abandon a calling to which they have been uniformly devoted, and of which only they have any knowledge. But there are not wanting other considerations of a very serious nature which must have escaped the notice of those who propose an increase of duties at this time, even presuming that such increase would improve the revenue. Surely it will be allowed that the measure of taxation should be proportioned to the means of payment. In our country we have no other criterion for

fixing the extent of these means than the value of our agricultural productions; and if we are to be influenced by a test of so natural a character, we are bold to affirm that since the adoption of the present Constitution we have, with the exceptions of the periods of war and embargo, at no time been in a condition so illly prepared to face an increase of taxes. We believe that, throughout our whole country, the products of our agriculture are in a state of extreme depression. There may be some few exceptions, one of which we shall have occasion to speak of hereafter; but, as a general observation, we think ourselves correct; at all events, we can speak with confidence as to the article of flour, the great staple of the Middle States. In a note which we transmit herewith, you will find that the average prices of flour, from the year 1789 up to the present period, have uniformly exceeded that which prevails at this time. Now, as the price of provisions regulates the price of every species of labor, we find that the latter has also declined proportionably in its value; and that the means of enjoyment, or even support, are very much contracted in every department of life. How then are we to support the present rate of taxes, so far above the rates of those which prevailed in the early days of our Constitution, when our means are reduced even below the standard of that age? We can only support them by rigid economy, which now pervades every branch of society. And let us here observe, that the very causes which operate so unfavorably to the agricultural and commercial interests have a tendency directly opposite, as it respects those who are concerned in manufacturing establishments. Every cent which is deducted from the price of labor is an additional bounty to them. A cotton factory in the neighborhood of Boston, established on sound principles, as it respects capital and conduct, has given an annual dividend of twelve per cent. for some years. We do not believe that, during the same period, there has been in the Middle States an equal investment in commerce or agriculture that has given equal emolument; and yet it is contemplated to sacrifice these unerring sources of wealth and power merely to promote the views of a small class of citizens; and that, too, without any reasonable expectation of seeing their theories reduced to beneficial practice.

We here beg leave to close, for the present, our general observations as to the expediency of increasing the present rate of duties, and shall proceed to make some few of a more specific character as it respects some of the leading articles in the proposed tariff; and we do this the more cheerfully, as we feel satisfied that it will appear, from the facts we shall present to your view, that the existing rate of duties, so far from being enhanced, should be, in many instances, reduced, if it be intended to apply them to the beneficial purposes of revenue.

Liquors and Groceries.

Wines.—We observe that the duty on this important article is left in blank to be filled up. In the course of these remarks, and also in a mémo-

Remonstrance against an Increase of Duties.

rial which we lately presented to the Congress, we have shown the destructive effects produced by high duties on wines; and it affords an instructive lesson to us for our future conduct in regard to laying high duties on articles which are considered as luxuries. We promoted the agricultural as well as commercial interests of the Union by exchanging our provisions and lumber for the wines of Spain and Portugal, which, for many years, were a source of considerable revenue. On these we imposed such high duties that we have, in a great measure, destroyed the consumption of them, and we have lost the sale of the provisions which we gave in exchange for them. As it has not pleased the Lord to grant us any vineyards, and as we once found this a profitable article of revenue, when properly managed, we trust it will not offend the most fastidious economist if we respectfully suggest to you the propriety of treading back on our steps, and reducing, by almost one-half, the duties actually paid. Perhaps it may produce a policy on the part of Spain and Portugal to retrace their steps, and to remove the restriction which they have imposed on our productions. We may then again have a chance of calling on the farmers for some part of the surplus grain which, from present appearances, they are likely to have on hand.

Brandy.—We find this article, in the existing as well as in the proposed tariff, classed with spirits of other denominations. We think that brandies (to use a plural term) should be classed, and that French brandy should pay at least fifty per cent. more duty than any other species, not only because the French Government are endeavoring to wrest a part of our carrying trade from us, but because the brandies of France are of a peculiar character as to goodness, and cannot be supplied (of equal quality and request) by any other nation; and are, in fact, of far greater value at the place of their growth than any other. If any difficulty should occur in separating them from other brandies in the tariff, they might, we conceive, be properly admitted into the list of *ad valorem* articles with the others; and we should then tax them by value, which, in this case, we should consider the true criterion for the measure of duty. The tariff, as it now stands, virtually prohibits the importation of Spanish brandy; but as we do not approve of high duties, except in most special cases, we propose to produce the effect of reducing the duty now paid on Spanish brandy, so as to leave that of France at the proposed advance.

Rum.—We would recommend precisely the same course as to this article, which is now taxed too high, in our opinion. It has been a source of great emolument to our revenue, but, under the present rate of duty, the consumption, as far as we can judge, is very rapidly declining. It recommends itself, moreover, to our favor, by its being one of the principal articles of payment given in the West Indies for our agricultural productions. If we drive it from our market, we must expect these productions will be treated there in the same manner as they have been treated in Spain and Portugal. Even under the existing tariff, we contemplate

that this will be its fate ere long; but, under the proposed addition of duty, it will not be imported in a way that will yield any efficient benefit to the revenue. Indeed, we are not without something more than apprehension, that a considerable quantity is now introduced in a clandestine manner; nor need you be surprised that it is so, when every puncheon thus introduced affords a profit of from forty to fifty dollars.

Coffee.—Almost every observation we have made in respect to rum may be applied to this article. We are of opinion that the present duty of five cents per pound is too high, and we are persuaded that a reduction of one per cent. per pound would have a favorable effect on the revenue. We consider it a fair object of revenue, as far as that revenue can be collected, and as far as we can afford to pay it; but we think the present duty sufficiently high to invite to the frequent breach of our revenue laws; and we are satisfied that, in our part of the country, the consumption has very much decreased.

Sugar.—This is a most important article, not only as it respects the revenue, but as forming a leading item in the comforts, we may even say the necessities of life. Without any certain data, we venture to estimate the quantity of this article consumed in the United States at 60,000,000 pounds, producing, at three cents per pound, a revenue of \$1,800,000. When the duty was imposed on sugar, it was intended for the purpose of revenue only; and it was not contemplated that, in our country, there existed a climate and soil calculated for its production. But during the last few years a certain portion of Louisiana has been found to possess these advantages; and such has been the rapidity with which they have been improved, that it is estimated that the produce of Louisiana will amount this year to about 40,000 hogsheads, of 900 pounds each, or a total of 36,000,000 pounds. As no duty is paid on this enormous amount, that which is paid on sugar from other countries operates as a protecting duty to it, and gradually loses the character of a revenue duty, and will soon cease to exist as such; because the increased cultivation in Louisiana bids fair to supersede the necessity of importing from other countries. There will then have occurred, for the present year, a deficit, in this single item, of \$1,080,000. But, without anticipating the consummation of the deficit, we beg leave to call your attention to that which will, in our opinion, be sustained in the present year. We have stated already, on the best information we can procure, that the last crop amounted to about 36,000,000 pounds. This sugar, being protected by our present high duties, is wholly consumed in the United States; and every hundred weight of sugar imported from foreign countries, admitting it cost the same price, must be sold for three dollars more, in order to indemnify the importer. But inasmuch as the sugars of the West Indies require twice the labor and expense requisite in Louisiana, the price at which they are bought by us cannot be supposed to be less. Thus it evidently appears that the whole duty which is thus subtracted from our revenue, is neither more nor less than a bounty

Remonstrance against an Increase of Duties.

granted to the sugar planters of Louisiana; and that the amount thus granted on 36,000,000 pounds, at three dollars, is \$1,080,000. But this is not all. It is generally understood that two hogsheds of sugar yield one hogsherd of molasses, and this latter an equal quantity of rum; so that there will exist the materials for 20,000 hogsheds of rum, which, at the moderate estimate of one hundred dollars each, at a bounty of thirty cents per gallon, will amount to \$600,000; if not distilled, it will only receive a bounty of \$80,000. But admitting one-half to be used without distillation, and the other to be converted into rum, the mean sum will be - - - \$340,000
Which, added to the bounty on sugar, 1,080,000

Then the aggregate bounty will be \$1,420,000

We do not pretend to be accurate in this estimate, because we receive the principal data from public report. But we are willing to make large deductions from its amount; and we will suppose that the amount paid as a bounty to Louisiana for the present year will amount only to \$1,000,000. As probably the subject has not been considered in this point of view, the result may be matter of surprise; and we shall no longer be at a loss to account for a diminution of our revenue in one of its most important branches. But there is a feature in this protecting duty of so singular a cast that we do not believe it can be paralleled in the history of commercial bounties. It seems that the soil calculated for raising sugar cane in Louisiana is very limited, and that the culture of it is as yet confined to a small number of persons. We do not believe that the number of sugar planters exceeds from one to two hundred. We cannot vouch for the correctness of the estimate; but, presuming it to be correct, and that the number of planters amounts, say to one hundred, then, assuming our reduced estimate of bounty of \$1,000,000, it will appear that the United States grant an average sum of ten thousand dollars per annum to each of these hundred planters; or five thousand dollars, if their number be two hundred. If these statements be correct—and the Legislature have better means than we possess for ascertaining their correctness—we presume that no comment is necessary.

Again: we are not to suppose that the evil ends here, and that we are to suffer no other inconvenience than the payment of these splendid sinecures. We have now to present the case to you in a point infinitely more interesting, and such as we trust will excite the most serious attention on the part of Congress. We have supposed that the consumption of sugar in the United States amounts to about sixty millions of pounds; and in the estimate of the crop now delivering at New Orleans we have rated it thirty-six millions of pounds. There is, then, only required an increase of twenty four millions of pounds in the growth of Louisiana sugars to complete the supply for the actual demand of the whole Union. From the rate at which they have increased for some years, the production will soon have attained to this point; and the im-

portation of foreign sugars and rum, as articles of consumption will, of necessity, cease. The consequences of this change will be much more serious than they at first appear.

Our commerce with the West Indies is, in our present situation, of the greatest importance to our agricultural as well as to our maritime interests. Excluded from the ports of Europe by our own bad policy, our provisions and lumber have scarcely any other mart than the West Indies; and the principal returns which they afford are sugar, rum, and molasses. Now, if these are wholly driven from consumption, we must cease to receive them in payment, for we cannot continue to import them with a chance of being indemnified for their cost, by reshipping them to Europe; and if we cannot receive them in payment, our agricultural products will of necessity be rejected, and this other branch of commerce will either expire, or be continued in a very diminished and languishing condition.

There is also another view of this subject, which we consider of importance. We have stated the amount of sugar made in Louisiana this year to be 36,000,000 pounds, which, rated at the moderate price of seven dollars per hundred pounds, will amount to \$2,520,000; of which amount we have shown that we now pay as bounty more than \$1,000,000, and that when the quantity shall have increased to the measure of our supposed consumption, (60,000,000,) the bounty will be increased to \$1,800,000, exclusive of that which which will accrue on the rum and molasses. Thus an enormous and increasing contribution is levied on every individual in the Union, to pamper a few individuals living in the most remote and most favored angle of our country. To add to their excessive gains, we are to destroy the most active and beneficial branch of our commerce, and to dissolve those branches of foreign commerce through which we are to receive our supplies, in the event of being at war with a nation having a maritime force superior to our own. It will be in vain that we shall be told that the commerce which we lose will be replaced by that of Louisiana. The whole of the maritime States furnish scarcely a single article with which she cannot supply herself without our assistance. The value of our exports to New Orleans, in native productions, is so small, and diminishes so rapidly, that Louisiana bids fair, and that very soon, to stand in the same relation to us with China. We must send our specie to purchase her productions, and that, too, when they shall no longer enjoy the bounties now granted by us with such prodigality.

We are sensible that the bounty (for such it is, in effect) granted on the sugar, rum, and molasses, has not been produced by any legislative act formed for the purpose of revenue, and which, by the gradual increase of these articles, has been virtually converted into a bounty, and the measure of their increase is precisely that by which we may estimate the progressive reduction of our revenue, and of our West India trade. In the infancy of the sugar establishments on the Mississippi, it might have been prudent to grant protection, and

Remonstrance against an Increase of Duties.

even positive bounty, if required; but in their present state of prosperity, when it is ascertained that no species of agriculture can compare with this as to emolument, we think it is time to withdraw a portion of the bounty, and apply it to other branches of agriculture, which, in their turn, require support. Our flour, our corn, our tobacco, our rice, our salted fish, and lumber, call for support. But we do not ask for it in the form of restricted duties, but in the removal of such as operate to depress those staple commodities. So far are we from approving of an increase in the duties of rum, sugar, and molasses, that we think it will be both wise and just on the part of our Government to reduce by one-half the amount of those which now exist on those articles. It is a most oppressive tax on the farmer of the seaboard to pay, as a protecting duty on a barrel of New Orleans sugar, seven bushels of wheat, at the prices of the present day; and how much more oppressive is it still, that this enormous bounty, when paid, should operate to destroy the sale of his produce in the marts to which it has been usually exported? Such, however, is the extent of the tax, and such its effect. In asking thus for a diminution of duty on West India produce, we do not apprehend a diminution of the revenue; the existing high duties have contributed principally to the great reduction on the consumption of it. We contemplate very favorable results to the revenue, which the enlarged consumption, under reduced prices, will create; and that soon the most beneficial effects will be felt in the important branches of agriculture and commerce.

Having thus respectfully taken a view of the immediate and prospective operation of the actual duty on sugar, we shall close our protracted observations on this most important item, begging leave to invite the particular attention of the Congress to it, as well from considerations of general policy as from those which attach peculiarly to agriculture and commerce.

Molasses.—Our observations on sugar apply with equal, if not greater, force to molasses. It is the humble and nutritious sweet resorted to by those who cannot afford to buy sugar, and seasons the simple repast of all ages and of all sexes. If we do not ask a reduction of the present duty, we at least deprecate an advance, more especially as that called for by the new tariff will still add to the bounty now granted to the planters of Louisiana.

In respect to all the actual and proposed duties on the important items of cotton and woollen goods, we subjoin a body of notes, showing what is and will be the effect of the proposed changes. The observations which accompany them are made by a practical merchant, and we conceive are highly worthy of consideration. It will be seen that the present duties operate as a very heavy tax on the consumer; that they are abundantly large for the protection of our manufactures, and that the proposed advance will not only tend to diminish our revenue, but to produce the most demoralizing effects in our society. The importers of woollen and cotton goods, whatever may be their opinions as to the present rate of du-

ties, are of opinion that the duties, generally speaking, are fairly paid; but they have no hesitation in declaring that the proposed advance will have the effect of producing a very extensive branch of contraband trade. As far as our own opinion may have weight, we do not hesitate to say that, if the present high duties will not protect our manufactures, it is an evident proof that we are not prepared, under our present circumstances, to engage more extensively in them, and that justice and sound policy require that we should not increase the actual bounties. Nay, we are of opinion that, in some instances, the proposed increase, amounting to prohibition, would injure our manufactures as well as our revenue. In fact, we do not consider either our population or means are such as to invite us to engage in such as may rival the finer productions of the European looms. We respectfully believe, for the present, we ought to be satisfied with the manufactures of coarse goods, and leave to those who take our raw materials the supply of fine goods. The purposes of commerce as well as revenue will thus be promoted. At any rate, the establishment of new branches of manufactures is the work of time; and something more than a desire to establish those of fine goods should be manifested before we proceed to strike a deadly blow at other branches of industry, of the greatest national interest, and on which the prosperity and happiness of our country have hitherto been founded. It would seem well to pause before it be determined by any legislative means to effect any sudden change in the habits and character of our population. It would be well, we respectfully believe, to examine cautiously those which we are to assume in lieu of those which we are called on to renounce. Our institutions have hitherto been such as to render our happiness proverbial. What, on the other hand, is the condition of those whom we are attempting to imitate in this new career? The manufactories and workshops of England are the nurseries of pauperism and discontent. Ought we to wish to rival her in fine muslins or splendid toys? If our poor rates, like hers, are to amount to thirty-six millions of dollars, and if our soldiers and farmers are to be employed in suppressing the insurrections of our manufacturers, let her enjoy the emoluments and miseries of her manufacturing system, and let us avoid it until a crowded population may render it expedient and secure. We have known of many attempts in Europe at the hotbed process of raising manufactures, and we believe that it has almost universally failed.—The truth is, in respect to legislation on this subject, the Congress have done all that they can do, if we are to expect revenue from our imports. They have peopled districts, and have conducted them properly, acknowledge that they are sufficiently protected by our present duties, and they ask no advance. But this is not enough. We must lay the groundwork of a general system of manufacturing, and, as a prelude to it, it is proposed to begin by destroying our whole commercial and agricultural systems at one sweeping blow; for such promises to be the result of the proposed tariff. It would be reasonable to suppose

Remonstrance against an Increase of Duties.

from the summary mode of proceeding contemplated, that the looms and the anvils and the artists were impatiently waiting for the signal from Congress, to supply us with chintzes and muslins, with needles and watches. But so far from this being the case, we do not believe that the advocates of this important change have in contemplation one single branch of the higher class of fabrics; and it will be prudent for them to abstain from engaging in them. Their efforts, supported by legislation, will be unequal to the attainment of the proposed end. As before observed, we may ruin the fair merchant, but we cannot suppress the trade when transferred to the smuggler, who will undersell our own manufacturers.

If the spirit in which these exactions are made is characteristic of the new system which is to be introduced, we confess that we should for this alone deprecate its progress; for, if it is thus in the gristle, what will it be in the bone? It seeks to destroy one great and hitherto beneficial system, before it is prepared to furnish a substitute. It abolishes imposts that are paid with fidelity, and calls for others that we seriously fear will not be paid. The interests that it places in advance of all others are those of only a few, compared with those whose interests it seeks to demolish. What, on the other hand, has been the conduct of the farmer and the merchant? They have borne with cheerfulness, and discharged with punctuality, the taxes which have been imposed on them, whether for the support of Government, or for the promotion of other branches of industry; they have seen their commerce injured in some points, and destroyed in others; they have furnished the means of paying what may be considered as bounties to domestic manufactures, to the fullest extent of good policy; and yet, far from even murmuring, or torturing Congress by their repeated demands, they have either suffered in silence, or restricted themselves to suggesting measures which would promote the public weal as well as their own. Are they, then, after their patience under protracted sufferings, to be called on, in this time of general distress, to sustain new injuries in their agricultural interests, and to have their commercial establishments overthrown, and even the very nature of their being changed, merely to promote the delusive projects of a few interested individuals? They have too much confidence in the wisdom of the National Legislature to suppose that they will encourage these vague and ephemeral schemes, calculated to make a revolution in our condition, and, in the end, to produce effects the very contrary to what they profess.

Your memorialists respectfully remark, that they are opposed not only to the principle of the proposed tariff, but also to the details to which it is applied; and that, so far from adding one cent to the present duties, it is our opinion that an increase of revenue and an improvement in our general condition can only be expected by a diminution in the existing duties, especially on the articles referred to, and more particularly the wasteful bounty on the sugars, rum, and molasses of Louisiana; and, finally, that the actually depressed state of

agriculture and commerce calls for such gentle and considerate measures on the part of Congress as may strengthen the confidence in and attachment to the Government of the citizens, and for the rejection of all those which, like the projected tariff, must be likely to have an opposite tendency. There exist already in the Union of these States too many sectional causes of weakness to make it expedient to increase their effect by artificial means. The endeavor should be to retard, and not to hasten, a crisis which all must contemplate with horror. Although it is not our particular view to give an opinion relative to the general finances of the Union, yet, as we are practically connected with the various branches of commerce from which our revenue is derived, the suggestions which we presume to offer may not be wholly useless. We think there is the most satisfactory proof that the consumption of every species of goods imported from Europe and the East and West Indies is in a state of rapid decline, owing to the inability of our population generally to support any other than necessary expenses. The causes of this decline have been touched on in what has been already said, but the effect will most assuredly be a great and increasing deficit in our national revenue.

We are satisfied that this revenue, so far from being increased, will be diminished by any addition to the present duties. We are strongly impressed with the opinion, as already stated, that an opposite course would, as it respects revenue, lead to more favorable results; but we are far from believing that any measure of finance, short of an excise and internal taxation, will efficiently meet the evil. We respectfully concur in the proposition of a loan, or any other temporary resort for the present year, in the contemplation at the next session of recurring to an organized system of internal taxation, which will be less subject to fluctuation than that on which we now rely for revenue.

On behalf of the Chamber of Commerce of Philadelphia.

ROBERT RALSTON, *President.*

PHILADELPHIA, April 20, 1820.

Observations as to the operation of the present tariff in giving protection to the manufactures of this country, and in excluding the importation of goods of foreign manufacture similar to those manufactured here.

The cotton goods manufactured in this country to the greatest extent are plaids, stripes, chambrays, and cotton shirting of the coarser qualities, which now cost in England less than 25 cents the square yard, and are, consequently, subject to a very heavy duty; so much so, as nearly to exclude their importation. A yard of plaid stripe, or chambray, would now cost in England 6d., of 24 inches wide, of good quality. For example:

100 yards of plaid stripe, or chambray, 24 inches wide, at 6d., cost £2 10s. sterling. It would contain 66 $\frac{2}{3}$ square yards, which at 25 cents, is \$16 68. The duty, 25 per cent, upon the same, is \$4 17. Thus the 100 yards of plaid stripe, or chambray,

Remonstrance against an increase of Duties.

which cost £2 10s., or \$13 20, would now pay a duty of \$4 17, which is equal to 32 per cent.

A piece of cotton shirting, 50 yards, would now cost in England £1 7s. sterling, of 30 inches wide, and would contain 44½ square yards, which, at 25 cents, is \$11 12. The duty upon the same, 25 per cent., is \$2 78. Thus, the piece of shirting, which cost 27s. sterling, or \$6, pays a duty of \$2 78, or 46 per cent.

A Carlisle gingham, which has heretofore been much used by the poorer people, of 40 inches wide, would now cost 8d. per yard. 100 yards of Carlisle ginghams, 40 inches wide, at 8d., is £3 6s. 8d., sterling, and would contain 111 square yards, which, at 25 cents, is \$27 75. The duty upon the same, 25 per cent., is \$6 94. Thus 100 yards of ginghams, which cost in England £3 6s. 8d., or \$14 82, pay a duty of \$6 94, or 46½ per cent.

Printed calicoes, which are not made in this country, but much worn, more particularly by the poor people, and considerably by all classes of females, now cost from 15s. 6d. sterling to 33s. per piece of 28 yards, upon which there is a debenture allowed upon exportation, in England, of 3½d. the square yard; and as they are from 23 to 25 inches wide, the debenture is from 5s. to 5s. 6d. sterling per piece; and all which costs less than 25s. sterling per piece are now subject to additional duties, as the cost is less than 25 cents per square yard.

A very good calico, 23 inches wide, cost, in December last, 18s. 9d. sterling per piece, upon which the debenture was 5s. 3d., making the net cost 13s. 6d. sterling, and contained 18 square yards, which, at 25 cents, is \$4 50. The duty, 25 per cent., is \$1 12. Thus the piece of calico which cost 13s. 6d. sterling, or \$3, pays a duty of \$1 12, or 37 per cent.

Cambric muslins 6-4 wide, of 12 yards each, cost from 7s. to 20s. per piece; and all which cost less than 13s. per piece are subject to additional duties, the cost being less than 25 cents the square yard. A piece of cambric muslin, 39 inches wide, cost 7s., would contain 13 square yards, which, at 25 cents, is \$3 25. The duty, 25 per cent., is 81 cents. Thus the piece of cambric muslin, which cost 7s., or \$1 55, pays a duty of 81 cents or 53 per cent.

The operation is proportionate upon all low priced cambric muslins of other dimensions, as well as low priced fancy muslins, book muslins, and ginghams, and upon every other description of cotton goods of low cost and not enumerated.

Upon woollen goods, under the present tariff, there is no discrimination between coarse and fine in calculating the duties; nor is it considered necessary there should be, even for the protection of our own manufactures; for, at present, there is but a very small quantity of foreign imported of similar descriptions to those we manufacture. The principal part of those now imported are superfine cloths, low priced blue and white plains for negro clothing, flannels, baize backing, baizes, and blankets, most of which are absolutely necessary for the use of the country.

The proposed tariff contemplates a duty of 33 per cent. ad valorem on all cotton or woollen

goods, of whatever description, from this side the Cape of Good Hope, which, upon all goods paying an ad valorem duty, will, in reality, amount to 36½ per cent.; and, upon all cotton goods costing less than 25 cents the square yard, 33 per cent. upon the calculated cost of 25 cents the square yard.

Accordingly, the duty upon 100 yards of plaid stripe, or chambray, costing £2 10s. or \$13 20, and upon which the duty is, according to the existing tariff, \$4 17, or 32 per cent., would be \$5 56, or 42 per cent. upon the cost. Upon 100 yards of Carlisle ginghams costing £3 6s. 8d., or \$14 82, upon which the duty now is \$6 94, or 46½ per cent., would be \$9 25, or 62½ per cent.

Upon a piece of cotton shirting costing 27s. or \$6, upon which the duty, according to the present tariff, now is \$2 78, or 46 per cent., would be \$3 71, or 62 per cent.

Upon a piece of calico costing net 13s. 6d. sterling per piece, or \$3, upon which the duty now is \$1 12, or 37 per cent., would be \$1 50, or 50 per cent. Upon a piece of cambric muslin costing 7s., or \$1 55, upon which the duty now is 81 cents, or 53 per cent., it would be \$1 08, or 70 per cent. upon the cost; and upon all other cotton goods costing less than 25 cents the square yard, the duty would be proportionate, according to the dimensions and cost.

The contemplated tariff proposes that the duty shall be calculated upon the real cost of the article whence imported, "together with the amount of all such bounties, premiums, drawbacks, allowances, or discounts, as may be given, paid, or allowed at the place whence imported." Upon all printed cotton goods exported a debenture is allowed in Great Britain of 3½d. the square yard; and, should the contemplated duty be laid upon that, as well as upon the actual cost, it will amount to a complete prohibition to the importation of most kinds of printed cotton goods, and also upon English manufactured silk goods, upon the exportation of which a bounty of 4s. per pound is allowed. The contemplated tariff proposes a duty of 25 per cent. upon linens of every description, and those costing less than 25 cents the square yard to be calculated as having cost that, and 25 per cent. calculated upon that amount. In addition to which, the duty is to be calculated upon the bounty allowed of 1½d. per yard on all linens costing less than 18d. per yard. The proposed tariff also contemplates a duty of 33 per cent. upon blankets; and stuffs are considered to be included with woollens of every description, and, consequently, subject to 33 per cent. duty. The three last-mentioned articles, viz: blankets, stuffs, and linens, now pay a duty of fifteen per cent. ad valorem; and neither (excepting blankets, to a very limited extent) are manufactured in this country, and are all much used; the impolicy of raising the duties upon them can be readily judged of. Two of the articles being used, one from economy, the other from necessity, to a great extent, by the poorer class of people, the consequences of raising the duties to the rates proposed in the contemplated tariff will be to preclude the importation of many

Uniform System of Bankruptcy.

articles altogether in a fair way, and to encourage and systematize smuggling upon a scale so extensive, as seriously to affect the revenue of the country, and corrupt the morals of the people.

The facilities which our extensive seaboard and inland frontier give to the introduction of goods in an illicit manner; the temptations which the contemplated tariff offers; the large value of many articles which may be comprised in a small bulk; and the prospect of gain so great, that many individuals, who now would despise the person who would engage in such a trade, will be induced to engage in it themselves—the inducements to the engaging in the introduction of many articles, in an illegal manner, can be readily judged of, when a person smuggling 100 pounds of sewing silk or silk twist would, by avoiding the duty alone, receive a compensation of \$150.

Five pieces of superfine cloth would comprise but a small bulk, and the weight would be about 150 pounds, and would contain about 100 yards, and cost about £200. The duty upon the same, according to the contemplated tariff, would be \$324.

In many kinds of cambric muslins, fine fancy muslins, and manufactures of silk, the facilities and inducements to smuggling will be equally great.

It must, therefore, be obvious to every person of reflection, that, whether the contemplated tariff have for its object the increase of revenue, or the protection of our own manufactures, an adoption of it will, most assuredly, have a contrary effect.

Average prices of superfine flour in Philadelphia, from the year 1789 to 1819, inclusive.

1789	-	\$5 20	1805	-	\$10 38
1790	-	6 15	1806	-	7 30
1791	-	5 25	1807	-	7 00
1792	-	5 07	1808	-	5 60
1793	-	6 21	1809	-	6 90
1794	-	7 22	1810	-	9 66
1795	-	12 05	1811	-	10 00
1796	-	12 43	1812	-	8 75
1797	-	9 00	1813	-	8 50
1798	-	8 78	1814	-	7 70
1799	-	9 62	1815	-	8 45
1800	-	9 85	1816	-	10 00
1801	-	10 45	1817	-	12 00
1802	-	6 75	1818	-	9 85
1803	-	6 73	1819	-	7 20
1804	-	8 22	1820 (April),	-	4 75

UNIFORM SYSTEM OF BANKRUPTCY.

[Communicated to the Senate, December 27, 1819.]

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the merchants and traders of the town of Boston, and of other towns within the State of Massachusetts:

The wise framers of our excellent Constitution, foreseeing the necessity, in a maritime community,

of laws peculiarly affecting commercial relations, caused, upon due deliberation, the power of establishing "uniform laws on the subject of bankruptcies" to be among those expressly delegated by the people to their representatives in Congress assembled. Several of our sister States, at the time they became members of the confederated Republic, did not hesitate to declare freedom from imprisonment for debt, except when there might be a violent presumption of fraud, an inherent and Constitutional right; and many others, when the creative power thus vested in the General Government has been suffered to lie dormant, have from time to time expressed, by their numerous insolvent laws or acts of private relief, a strong sense of the propriety of measures mitigating the common execution of the law. But, without enumerating the multifarious declarations of State Legislatures to this effect, it is enough if no one will deny that the greatest possible exemption from personal restraint bears the closest analogy to the common sentiments and habits of Americans, and is highly congenial to that pure and equal spirit of liberty which animates our whole civil and political character.

Notwithstanding its remarkable conformity to our national physiognomy, nearly sixteen years are now elapsed since we have enjoyed the benefit of a bankrupt law. During a great part of this momentous and eventful period, amidst the concussion of foreign arms, and the violence of nation lifted up against nation, the neutral flag of America enjoyed a degree of commercial prosperity unparalleled in the annals of human history. The granaries of the world were open to us alone, and the mighty empires of Europe may be said, in some measure, to have depended upon our supplies. By these remarkable facilities, immense revenues were accumulated in the coffers of our citizens, which were constantly re-embarked in larger and more perilous adventures, till our commercial engagements were stretched to their utmost extent. At this crisis the restrictive system was commenced, and war shortly succeeded—measures which, however necessary in their origin, and however important in their political results, could not fail of being greatly embarrassing to the commercial and trading interests. Those of our merchants who were enabled to struggle through the distresses invariably attendant on these often inevitable evils were induced, on the return of peace, to put forth all their energies, in the hope of reaping unusual harvests, and thus speedily re-establishing their broken fortunes; but, during the suspension of commercial pursuits, foreign relations had been (for them, at least) unfortunately changed; trade in its accustomed channels had been choked, and necessity had opened new ones which were already pouring in their resources to feed the enormous consumption of a most extensive war.

But when the great belligerents of Europe had laid aside their long-cherished hostilities, and pacific arts were everywhere reassuming their legitimate superiority, England was again ready to step forth, in the plenitude of her maritime might, and monopolize the trade of a larger portion of

Uniform System of Bankruptcy.

the globe, at the same time that many Powers, who, when occupied in arms, had been entirely dependent upon us as the general carriers and factors of the world, found their advantage in calling to light hidden resources, and establishing a commerce of their own. From such a singular concatenation of events, the most prudent and the most opulent have been obliged to meet peculiar embarrassments and unexampled pressure; so that many who had withstood the perils and losses of the war have been drawn into ruin by the unexpected fatalities of peace.

Struck with this prominent example of the extreme mutability of commercial affairs, subjected as they are to innumerable and inevitable casualties, and aware of the constant regard which the representative Legislature of an enlightened maritime Republic must preserve towards the interests of commerce and the cause of humanity, your memorialists, the merchants and traders of Massachusetts, as well those who have been severely laboring under the evils we have above related as those who are of a more fortunate description, beg leave respectfully to suggest the expediency of establishing throughout the United States a uniform system of bankruptcy, to the end that personal liberty and the equitable discharge of contracts may no longer be subjected to the caprice or dishonesty of individuals, but that over our civil transactions as well as our political rights we may enjoy "a Government of laws, and not of men."

It might appear unnecessary, but for the strong attachment we are apt to bear even to the injurious customs of our ancestors, to set forth the unreasonable hardships towards merchants and traders of that law which gives unlimited satisfaction upon the goods, estates, and body of the debtor. In what respect, it may be asked, is it superior to the much deprecated law of the twelve tables? We do not, indeed, countenance the partition of the unhappy debtor among his enraged creditors, but we do allow his estates and his expectations to be torn in pieces; we do allow him, without mercy or remorse, to be stripped at once of present possessions and future possibilities; to be left without means and without hopes—an outcast and a reproach. If it be against the policy of our code that the unfortunate insolvent and his miserable family should be subjected to domestic servitude or sold to foreign slavery, by how much are we more merciful when we award against him the ignominy of perpetual imprisonment and perpetual poverty? But we are often told, while the debtor suffers justly for his folly or his crime, his innocent dependants not only do not, as in some parts of the world, participate in his punishment, but are, in truth, rescued from want by the more humane provisions of the law. Not to dwell upon the unavoidable insufficiency of provisions for pauperism to supply the accustomed comforts and luxuries of life, your memorialists would humbly submit to your consideration whether there be not something of mistaken humanity in a system which creates the poor for whom it provides? whether it does not argue somewhat of inconsistency if we seem to generate evil for the sake of

doing it away? whether that may not be an unreasonable prejudice which prefers to establish a partial remedy by poor laws rather than a very general prevention by bankrupt laws? Neither, perhaps, will it appear, upon investigation, that the commercial debtor commonly or often suffers justly for his folly or his crime. An enlightened Legislature will undoubtedly be well aware that a circulating medium is the life-blood of commerce; that the obtaining of credit, or what in other men than traffickers and traders might justly be called running in debt, is an essential part of the system of exchange; it is the borrowing from one in order to pay to another in some less valuable form which constitutes the gain of the merchant; and it is the foreseeing how to effect this advantageous commutation which constitutes his skill. This is a game of hazard as well as of calculation, and it is sufficiently clear that any unforeseen check between these successive steps—some inevitable loss, some unexpected disappointment, or even some temporary delay—may prevent his meeting his engagements, and thus involve him in irretrievable ruin. Certainly we cannot say much for the justice which views these dispositions of fortune in the light of criminality, and puts their victim on a level with the idle, the extravagant, and the profligate.

Our humane and admirable law seems, indeed, to depart from its own spirit every way in the case of the unfortunate debtor. It not only renders him obnoxious to an unmerited weight of punishment, but it puts out of its own hands all discretionary right of measuring or apportioning that punishment, and vests an unlimited power in the interested and the irritated. To no purpose are we told that the true interest of the creditor would be to release his prisoner, to put him in a way of honest industry, and to restore him to his credit with the world; for here we find men blinded by avarice rather than guided by interest; and particularly as each creditor reflects that the mercy which he would willingly extend, his neighbor will certainly reject. Thus is the merciless remunerated, while he who indulges the common feelings of humanity loses, or at least hazards, the debt without benefiting the debtor. Where there are many claimants, there will always be some unfeeling or unjust; and we cannot refuse to recollect how much it is in the power of a single individual, for how insignificant a sum, after other means of satisfaction are exhausted, to produce all the evil we have in part attempted to describe. That this unyielding hardness on the part of the creditor is by no means so unfrequent as we could wish to believe, does but too plainly appear when we call up the condition of the English jails, at a former period, during more than a century and a half. From the moment that imprisonment for debt was first granted by law, to the time when the benevolent system of bankruptcy was fully and effectually introduced, we find them crowded and overflowing with the miserable victims of insolvency to an almost incredible degree; and we much fear that the great cities and commercial marts of our own country, even in this enlightened

Uniform System of Bankruptcy.

and philanthropic age, will afford ample evidence of a strong disposition in creditors to enforce the right of imprisonment in its severest extent.

Hitherto we have considered this important subject principally on the side of mercy. Your memorialists would likewise represent it on the side of justice. The law, as it now stands, appears to leave a wide opening, and to create a powerful temptation to fraud. The debtor, who has nothing to expect from compassion, and nothing to fear from detection, has little inducement to an honest disclosure of effects, which, if utterly surrendered, would probably but ill satisfy the rapacity of the vultures who surround him. To what but the hopeless severity of our law can we attribute the frequent instances of fraudulent conveyances in trust; of fictitious transfers of property; of the security of endorers before any liability has attached, or who have perhaps generated a spurious credit by the accommodation of their names, with an understanding that no liability ever should attach; of the collusive preference of one or more creditors to the total exclusion of the rest; and the whole complicated tissue of deceit which may be observed in daily operation to sustain the credit of a tottering house, or raise it from its fall? The system of palpable fraud and oppression which has thus grown out of the abuses and imperfections of the law must obviously occasion vast impediment to commercial enterprise and skill. By it credit is greatly affected both at home and abroad. General insecurity begets mutual distrust. We know not who may be honest till he has been tempted, and we have no certain hold on dishonesty in the law. If, then, it should seem that our State insolvent acts, so far as they may tend to impair the obligation of contracts, are unconstitutional and void, your memorialists would suggest to your impartial inquiry whether the practical obligation of contracts is not, in point of fact, as seriously and more frequently impaired by the existence of the evils we have thus briefly enumerated.

There is one other remaining ground upon which your memorialists beg leave to suggest the expediency of amendment in the present law of satisfaction for debt. Its effects upon society are believed to be pernicious in an alarming degree; and your memorialists do not doubt that moral and political results are the chief and peculiar solicitude of enlightened legislation. Its moral effects are believed by your memorialists to be pernicious in an alarming degree, when it is seen that in cases of insolvency no distinction is made between the unfortunate and the profuse; that innocence and guilt are alike tenants of the common jail; that the compassionate are plundered, and justice is cheated of its right; that the honest insolvent is strongly tempted to sacrifice his integrity, and often overpowered; in short, that only the fraudulent debtor, by the secretion of property no longer his, escapes the chief penalties of the law, and only the hard-hearted creditor, by rigorously persisting in his claim, obtains its full benefit. Its political effects may be thought not less alarmingly pernicious when a large number of respectable and industrious citizens are reduced to idleness

and indigence; when they are maintained at the charge of others in utter uselessness and sloth, as a rotten excrescence that is draining the resources of the community; when they may have been driven by long continuance of unmerited punishment to absolute despair; and when the infamy of interminable poverty may have rendered them disaffected and factious.

These abuses and dangers your memorialists humbly conceive may be obviated by the establishment of a uniform and permanent bankrupt law; a law which shall at once satisfy justice and humanity; which shall empower the creditor to check his debtor's ruinous career before it has wholly divested him of means; which shall compel the insolvent, under heavy penalties, to a full disclosure of his effects and of his credits; which shall destroy all collusive intercourse with fraudulent creditors, and remove all probability of secret or fictitious conveyance; which shall enforce an absolute cession and an equal distribution of the bankrupt's property in satisfaction of all lawful claims—a law which, while it shall threaten fraudulent bankrupts with its severest visitation, shall, on the other hand, discharge the person of the fair and honorable debtor from an odious and unreasonable confinement; which shall rescue his future acquisitions from a retrospective liability; and which shall establish some pecuniary emolument as a reward for prudence and good faith, that he may be enabled to renew his blighted hopes, and by the strength of honest industry reattain to usefulness and honor.

Your memorialists can perceive no evil resulting from a system of bankruptcy sufficient to counterbalance these many and great benefits; and they would particularly represent that, in their opinion, the agricultural interest can never suffer from a law by which they do not see that agriculturists are in any way affected, excepting as they may acquire an additional hold upon the merchant for the recovery of their just debts.

Your memorialists have thus far trespassed on the attention of the Legislature from a deep conviction of the importance and interest of the subject which they urge, as well as a firm belief that their suggestions, at the present juncture, when commerce, in an especial manner, demands the fostering hand of Government to protect and assist it, and when the Supreme Court of the United States have recently declared that all State insolvent acts which affect the discharge of the contract are unconstitutional and void, will be noticed with that indulgence which their necessities may seem to require, and that the United States of America will no longer be, as we believe it now is, the only commercial nation in the civilized world utterly destitute of any general provision in the nature of a bankrupt law.

These considerations the undersigned, merchants and traders of Boston, and of other towns within the State of Massachusetts, humbly submit, with the hope that such measures may be adopted for the relief of a numerous and unfortunate class of citizens as Congress in its wisdom may think adequate to that desirable end.

VACCINATION.

[Communicated to the House, January 5, 1820.]
To the honorable the Senate and House of Representatives of the United States of America :

The memorial of the undersigned respectfully represents: That, at a late meeting of a number of gentlemen friendly to vaccination, held in this city, in pursuance of a public notice given for that purpose, your memorialists were chosen a board of managers, in conjunction with Dr. James Smith, the agent appointed by the President under authority of the act of Congress, entitled "An act to encourage vaccination; to organize a national vaccine institution for the United States of America, agreeably to a plan which had been previously proposed by him, and for the support of which considerable sums have been subscribed." It has, therefore, become the duty of your memorialists to solicit your serious attention to this important subject, and if the views of our association fully meet with your approbation, we most respectfully petition and pray that you will grant us an act of incorporation to enable us with more certainty to carry into effect the plan which has been adopted by the society we represent, "to secure the preservation and distribution of the true vaccine matter, for the use and benefit of the citizens of the United States."

Your memorialists do not deem it necessary to enter into any detail of facts to prove to you the necessity which exists of your giving greater encouragement to vaccination; nor yet to demonstrate the many advantages which the public may reasonably expect to derive from the institution now proposed to be established for this purpose. But in an undertaking which appears to us to be so intimately connected with the convenience, health, and general welfare of our fellow-citizens in every part of the United States, it becomes us to submit for your consideration some of the most prominent reasons which have induced us to engage in it.

1st. The small pox, which is a contagious disease, and one of the most fatal and destructive plagues that ever affected the human race, yet exists in our country, and annually destroys the lives of many of our fellow-citizens. The rich and the poor, the old and the young, are alike liable to take this disease. It is not confined to any particular place, but pervades alike our cities and villages; and, searching every where for its victims, penetrates within our inmost and most solitary settlements. Neither are the untutored natives of our land secure from this plague; it is frequently carried into their camps and villages, and produces among them the utmost consternation and despair.

2d. It is now proven, in a manner so fully and clearly as to admit of no doubt whatever, that the true kine pox is a certain preventive of small pox, as well as of all the calamities which are naturally attendant on it. This remedy is never attended with any danger, and may be safely applied by any intelligent person who is furnished with the matter, due care being taken to follow the simple and

easy directions which are now given with it for its proper management.

3d. The matter of the true kine pox (and no other can have any effect to prevent the small pox) is of foreign origin, and is not known, as has been asserted by some, to be indigenous in our country. The peculiarly delicate nature of this matter likewise renders it so extremely liable to perish, that, even when we have it in our possession, we cannot keep it active in our hands, except for very short periods of time, (depending much upon the state of the weather,) without renewing it from one subject to another, with the greatest regularity, care, and attention. From these unalterable circumstances, and peculiar qualities in the nature of the vaccine fluid, there are but few persons who can ever pay such constant and unremitting attention to its preservation as would enable them to furnish it with any degree of certainty when it might be most wanted. The act of Congress to encourage vaccination has been attended with many good effects. The agent appointed under this law has been successful in his endeavors to preserve the genuine virus; and from him the surgeons of the army and navy, as well as the citizens of the United States in every section of our country, have obtained, without interruption, a supply of this remedy as often as they have found it necessary to apply to him for it.

In England, where the vaccine remedy was first discovered, a solicitude proportionate to the difficulty of preserving it has been uniformly manifested; and various institutions have been established there for this purpose, under the direction of the most respectable characters. Of these establishments, the London Vaccine Institution is, perhaps, the most celebrated in the world. In many other parts of enlightened Europe, the most zealous philanthropists have taken an active part in disseminating the kine pox, and in protecting their fellow-men from destruction by small pox.

4th. The use of spurious and other kinds of improper infection, taken in mistake for the real kine pox matter, has often occasioned fatal accidents, and checked the progress of vaccination in places where otherwise it would have been cherished and esteemed. This was particularly the case when the kine pox was first attempted to be introduced into New York, Marblehead, Norfolk, and some other places in this country. Citizens who have been disappointed in this way, or who take the small pox after being assured that they have had the true kine pox, are very apt to be led to doubt the efficacy of vaccination, and to turn a deaf ear forever thereafter to every proof or fact which can be adduced in support of the Jennerian discovery. There is no point, indeed, in which the friends of vaccination are so liable to be assailed, or in which they are so often found vulnerable, as in their liability to use spurious instead of the genuine virus. The most skilful physicians have not been always exempt from making mistakes in this particular. The illustrious Jenner, when he at first promulgated his discovery to the world, had more difficulties to contend with on this score than on any other. He then informed us of the "extreme del-

National Vaccine Institution.

icacy of the nature of the vaccine fluid," and showed us how easily it could be "disorganized." He also informed us that, with all his care and attention, "an unnatural deviation in this virus from its perfect state frequently occurred to him." Dr. Waterhouse, of Boston, likewise informs us that, "about the latter end of the Autumn, or beginning of the Winter of 1800, the vaccine disease had deviated, in his opinion, from its original character, and assumed a face with which he was not acquainted." In a discovery which has been so recently made known to the world, and which is yet so imperfectly understood by any of us, all these difficulties may be reasonably expected; and whenever they do occur to any practitioner, it is indispensably requisite that he should desist at once from operating, and not attempt to vaccinate any one until furnished with fresh matter, taken from some true and genuine source. The application of the vaccine matter is in itself a very simple business, and has been often intrusted to operators of very little skill; but it requires some considerable knowledge of this matter to enable any practitioner to select the best for his use, or to discriminate, with accuracy, between the true vaccine and the many counterfeit affections which are liable to be mistaken for it. We, therefore, deem it to be of essential importance that some central and responsible institution should be established wherein an uninterrupted supply of genuine matter should be maintained, and from which it ought to be regularly dispensed, on the most free and liberal terms possible, to all who want it. To relieve the public from all doubt or uncertainty in a matter of so much importance to them, the purity and efficacy of this virus should be occasionally tested, and the result of these necessary precautions should be faithfully communicated to the public from time to time.

5th. Another and a very important advantage of such an institution as has been proposed, must arise from its great convenience to the whole community. The public authorities, as well as private citizens, are all alike interested in this establishment. The surgeons of the army and navy require a constant supply of the vaccine matter, and they cannot procure it with certainty on any terms except through the medium of some institution of this kind. An honorable committee of the House of Representatives, in a report on this subject, dated February 3, 1818, gave it as their opinion, and the Government of our country has adopted it as a just and proper precaution, that "the vaccination of those persons belonging to the army and navy, who had never had the small pox, was dictated by duty as well as interest." But the preservation of the vaccine matter, as has been already intimated, is altogether incompatible with the duties which the surgeons in service are bound to perform; it, therefore, becomes necessary for us to supply them with this remedy as often as they may have occasion to use it. But, independent of these facilities which the public authorities will derive from this institution, our fellow-citizens of every description will be most happily accommodated, (when necessity, perhaps, may compel them to resort to it,) by knowing how and where they

can obtain with certainty a proper supply of this matter. There are but few among us who regard as we ought any danger which is at a distance, or out of our immediate view; and there are many who, under these circumstances, cannot be persuaded to make any provision whatever against it. Many families who, when the best opportunity was offered, could not be prevailed upon to use the kine pox, have afterwards, when they became accidentally exposed to the contagion of small pox, searched with avidity for this remedy, and risked their lives upon the first portion of matter they could procure from any source. Many persons, in the moment of danger to a whole neighborhood, have sent messenger after messenger, and one express after another, to very distant places, in the greatest precipitation, and sometimes without being able to procure any matter upon which they could place their dependence. The fatal consequences which are liable to flow from proceedings of this kind, point out to us, in the plainest and most forcible manner, the necessity of preserving this invaluable matter with the greatest care in some convenient and well known place, from whence it may be obtained at a moment's notice, and distributed free of every impediment, and to any extent it may be demanded.

6th. There is at this present time a very large majority of the citizens of the United States liable to take the variolous disease; and, of those who are liable to be affected by it, there is not one-half of them who are willing to submit to be vaccinated, unless they are urged to it by their immediate exposure to the contagion of small pox. This universal carelessness or unwillingness in most people to give themselves any trouble, or to incur any expense on this account, unless impelled by some immediate danger, cannot be too harshly condemned; it is discouraging in the extreme, and seems to forbode to our country, at some future period of time, a more serious calamity by small pox than we have ever experienced from it. We should, therefore, take heed in time, and endeavor, by our constant care and unremitting attention, to preserve the kine pox in its purity and excellence. The more universal its use, the more effectual and certain will be our future protection and safety from small pox.

In the years 1815 and 1816 the cities of New York and Philadelphia became much infected with the small pox, and from them it was soon carried into many other towns and seaports within the United States; from these, again, it was communicated to others, and carried into the interior of our country, where it has existed ever since. Between the months of February, 1815, and April, 1816, their records inform us that one thousand one hundred persons had been diseased of small pox in the city of New York alone, and that of these two hundred and ninety-three had died. In Philadelphia, from January 2, 1807, to January 1, 1817, (omitting three years, from which no account was received,) six hundred and twenty-five persons died of small pox! We have thus indubitable proof that upwards of nine hundred of our fellow-citizens have fallen a sacrifice within a few

Uniform System of Bankruptcy.

years past to this plague in these two cities alone. But if it were possible for us to bring into one view the sum total of all the mortality and consequent injury which has been sustained in different parts of the United States by small pox within even a few years past, the exposition could not fail to excite a corresponding feeling in yours, as well as in the mind of every person who is capable of comprehending its extent or magnitude. If this destruction of our fellow-creatures were unavoidable, it would certainly be most proper for us to be silent, and to submit to it with due humility of heart, as is our duty under every dispensation of Providence. But the evils here complained of are not unavoidable; they might with greater propriety be said to be of our own creating, for most certainly they are the natural effects of our neglecting an acknowledged duty. In corroboration of this opinion, we can state to you, on authority which cannot be controverted, that during the same period of time above mentioned, when the small pox committed such ravages in New York and Philadelphia, it was likewise introduced into the city of Baltimore, but it was soon extinguished again with very little difficulty; and we are well convinced, from experience, that, if proper care were always taken to vaccinate immediately when the small pox first appears in any place, we could soon subdue and eradicate this plague entirely from our country. If that disheartening apathy, however, which pervades the community in regard to the danger of small pox when out of view cannot be roused into action by any means within our power, the small pox must continue to exist among us, and we must occasionally suffer severely for our neglect of the extraordinary remedy which a merciful and kind Providence has furnished us to prevent it.

Every citizen, therefore, of a discerning mind, who has the prosperity of his country and the welfare of the human family sincerely at his heart, will, we hope, give the proposed plan of a "National Vaccine Institution" his zealous support, and endeavor to bring as many individuals as he can under the healing influence of vaccination. Every child properly vaccinated will afford to the rest of the community one additional security, at least, against the future prevalence of small pox; and in the same proportion as we can increase these securities, so also we will raise up numerous impregnable barriers to the introduction and spreading of the variolous contagion among us.

Signed by Josiah Meigs, Wm. H. Clendinen, Tho. Henderson, Stephen B. Balch, E. B. Caldwell, James Smith.

WASHINGTON CITY, D. C., Jan. 1, 1820.

UNIFORM SYSTEM OF BANKRUPTCY.

[Communicated to the Senate, January 10, 1820.]

To the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Chamber of Commerce of the city of New York respectfully sheweth:

That, when the framers of the Constitution of

the United States gave Congress power to establish uniform laws upon the subject of bankruptcies throughout the United States, they must have foreseen that the commercial intercourse among the several States might at some future period become so extensive and important as to render it advisable, if not necessary, for Congress to exercise the power thus given to them. Your memorialists beg leave most respectfully to suggest for the consideration of Congress whether the period has not arrived which the Convention foresaw, when the interests of the country require that the power vested in Congress upon this subject should be exercised.

Among other things which bind the people of the United States together as one nation, our commercial intercourse with each other must be considered by every enlightened statesman as a band of no insignificant importance; the regulation of it was, therefore, wisely intrusted by the Constitution to Congress. To an extensive and flourishing internal and foreign commerce, it seems to your memorialists that a general system of bankruptcy throughout the United States is essential. In cases where misfortune overtakes and ruins a merchant in any part of the United States, (and what merchant is there whom misfortune may not overtake and ruin?) it is certainly important that some plan should be adopted by which his creditors in every part of the United States should stand upon an equal footing, have an equal chance of receiving a dividend of his estate, and equal means of knowing in what manner his property is to be disposed of.

Your memorialists believe that no other plan than a uniform bankrupt law can be adopted to effect these desirable ends; without it, in cases where a merchant fails, his creditors do not all stand upon the same footing. In some of the States, in case of a debtor absconding, a difference is made by law between the remedies against him afforded to persons residing within the State and those residing in other States. In the State of New York, if a merchant fails and absconds from the State, leaving property within it, a citizen of New York may sue out an attachment against the property which he has left behind him, but a citizen of another State cannot. It is true, indeed, that the property when attached is for the benefit of all his creditors; but it is equally true that if, before he absconds, the debtor has foresight enough to pay his creditors in New York, he may leave his property in the State with perfect safety, and his creditors in other States cannot touch it.

Without a general bankrupt law, all the creditors of a merchant who fails have not an equal chance of receiving a dividend from his estate. When a merchant's affairs become embarrassed in any of our commercial cities, (the practice is so uniform that it has become a perfect system,) he assigns all his property in the first place to pay his confidential friends, who have lent him their names and their money, and thus given him a false credit, which has been the means of his imposing upon others; or he has already assigned, as security for usurious loans procured from some of

Prohibition of Slavery in Missouri.

the harpies who infest all our cities, every thing that he has of any value; his honest business creditors get nothing. The truth of this has been felt and will be acknowledged by almost every commercial man in the United States.

Without a general bankrupt law, it is manifest that all the creditors of an unfortunate or dishonest merchant have not equal means of knowing how and in what manner his property is to be disposed of, unless they can be presumed to be intimately acquainted with the laws of every State in which they may have a debtor residing.

Your memorialists cannot but express their strong conviction, founded upon experience, that a general bankrupt law is essential to secure any thing like a just and equal distribution of property among the creditors of unfortunate merchants. Your memorialists, however, beg leave most respectfully to suggest that, although the security of creditors is the first and great object of a bankrupt law, yet the relief of unfortunate debtors, who have honestly given up their property for the benefit of their creditors, is another object of it.

Your memorialists forbear to urge those arguments which are calculated to operate upon the heart, by approaching it through the feelings of compassion in favor of the unfortunate, for reasons which will readily suggest themselves; but they beg leave to state that the situation of the United States seems in their opinion to require, as a mere matter of State policy, that merchants who have become unfortunate should not from that moment be considered as drones in the political hive, unable in any way to contribute to the general welfare. Misfortune is apt enough to drive mankind to desperation, to palsy all manly exertion, and to make the stoutest man a mere infant. The laws of the country should encourage the unfortunate to future exertion, and not sink them deeper in despair; they should hold out, as objects worthy of his future industry, the support of his family, who by his exertions may yet become respectable, and the re-establishment of his own reputation, which, although sullied by misfortune, may yet, through honest industry and exertion, become brighter than ever. By doing so, the State is certainly benefitted, because it is its interest to encourage industry, and to excite as much as possible the exertions of all its citizens in some honest pursuit. The Supreme Court of the United States having decided that the State Legislatures have no authority to discharge insolvent debtors from their debts, unless Congress in their wisdom shall think proper to interfere and pass a general bankrupt law, a merchant who becomes unfortunate in the United States must be content for the residue of his life to become a charge upon his friends or his country. The consequences of such a state of things upon the commercial prosperity of the United States your memorialists leave to those to determine upon whom the duty of regulating and protecting our commerce is intrusted by the Constitution.

Your memorialists most respectfully pray that Congress will pass a law establishing a general system of bankruptcy throughout the United States,

which they believe is called for by the best interests of the country.

And your memorialists will ever pray, &c.

WILLIAM BAYARD, *President.*

JOHN PINTARD, *Secretary.*

PROHIBITION OF SLAVERY IN MISSOURI.

[Communicated to the Senate, January 12, 1820.]

NEWPORT, December 22, 1819.

At a late and numerous meeting held at the State House, pursuant to notice, for the purpose of taking into consideration the expediency of presenting a petition to Congress to prohibit the introduction of slavery into any State or Territory that may hereafter be admitted into the Union, Thomas G. Pitman, Esq., was called to the chair. After reading the circular letter from the New York committee on this very interesting subject, and likewise their address to the American people, which was followed by considerable debate and many applicable remarks, the following resolutions were almost unanimously adopted:

Resolved, That Dutee J. Pearce, Caleb Green, John Slocum, Thomas Peckham, and Edward W. Lawton, be a committee to draught a memorial to Congress, praying them to prohibit the further extension of slavery into any Territory that may be admitted into the union of the States.

Resolved, That David Buffum, David Buffum, junior, Benjamin Hadwen, John Slocum, Stephen Gould, Clarke Rodman, Job Sherman, Thos. H. Mumford, and Edward W. Lawton, be a committee to obtain signatures to the said memorial, and forward the same to Congress as soon as may be.

Agreeably to the first recited resolution, the undersigned, having prepared the annexed memorial, respectfully submit the same to the citizens of the town of Newport and its vicinity for their approbation and signatures.

THOMAS PECKHAM,
DUTEE J. PEARCE,
CALEB GREEN,
JOHN SLOCUM,
EDW. W. LAWTON.

To the Honorable Senate of the United States:

The memorial of the inhabitants of the town of Newport, in the State of Rhode Island, with reference to the bill now pending before your honorable body, authorizing the people of the Territory of Missouri to form a State Government, and for other purposes, respectfully sheweth:

That slavery, as it now exists in the United States, in the opinion of your memorialists, can never be made a matter of reproach to the existing Government or the present generation. It was an evil introduced into the colonies by the parent State, and acquiesced in to a great degree by the colonies themselves, in an age when the

Prohibition of Slavery in Missouri.

traffic in slaves was pursued by all nations without a suspicion of its enormity.

The Northern colonies participated in it equally with the Southern, and the navigation of the New England ports, and particularly of this town, was employed continually on the African coast, in the transportation of slaves to the different American markets, and by means of American capital. There can be no reproach, therefore, cast upon our Southern brethren for the introduction of this evil, which as your memorialists conceive, will not equally attach itself to ourselves and to the English nation. We were all equally disposed to embark in the traffic, and to avail ourselves of its proceeds, and the guilt, if any there be, must be shared in an equal degree by the parties concerned. The Constitution of the United States, as is well known to your honorable body, after giving Congress an unlimited power to regulate commerce, with certain reservations as to the intercourse between the respective States, provides "that the migration or importation of such persons as any of the States now existing shall think proper to admit shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person."

As the reservation here mentioned related merely to the direct trade, an act was passed as early as A. D. 1794 making it unlawful for any citizen of the United States, or alien residing therein, to transport in American bottoms the inhabitants of any kingdom, place, or country, to any other foreign kingdom, place, or country, to be sold and disposed of as slaves, or from the United States to any foreign kingdom, place, or country; and, by a subsequent act, it was made penal to hold property in any vessel whatever so employed, or to serve on board such vessel, whether American or foreign. The direct trade, as is known to your honorable body, had become limited to one or two States, by the enlightened views that prevailed in the South, even before Congress had the authority to interpose for itself. And when the Constitutional period to which the limitation on their power extended was about to expire by the prospective act of March 2d, A. D. 1807, it was declared unlawful to import or bring into the United States any negro, mulatto, or person of color, with the intent to hold, sell, or dispose of such negro, mulatto, or person of color, as a slave, after the 1st day of January, 1808. This law, as is well known to your honorable body, has since been modified by another act, principally with respect to its penalties; and, finally, enforced by a law of the last session of Congress, authorizing the President to employ the armed vessels of the United States on the American and African coasts, to appoint agents to reside in Africa, and to offer bounties for the slaves released. Thus, the United States have the honor of being the first to advocate and the first to adopt those humane and enlightened measures which, after twenty years' earnest and eloquent exhortation, have become the pride and the glory of the States of Europe.

If the people of this country, as is the opinion of your memorialists, were responsible for the continuance of the slave trade after the government of the States and the Union had passed into their own hands, it is equally incumbent on your memorialists, and all others who enjoy the protection of our mild and equal laws, to confine the existence of slavery within the narrowest limits possible. To say nothing of its utter inconsistency with the genius of our republican institutions, and of its fatal effects on the principles and morals of men, the simple circumstance that the Government of the United States has entirely prohibited the importation of slaves, directly or indirectly, as your memorialists have set forth, is sufficient of itself to enforce on us the duty. But it will be in vain that Congress shall prohibit the traffic in slaves under the severest penalties, or that the President be disposed to exert himself to the utmost to enforce these provisions, if an immense market is to be opened in the territories of the West for the unhappy victims of this traffic. The inevitable result of such a course of proceedings must be, as your memorialists apprehend, to increase the temptations to introduce them illegally, already too great, and fatal to the morals and industry of your constituents. It cannot, then, escape the notice of your honorable body that the outlet of the Mississippi and its tributary waters, and generally of the streams that flow into the Gulf of Mexico, is placed by nature in a region beyond almost any other in the Union, open to an illicit trade—a low alluvial country, abounding in inlets, remote from any dense population, in the vicinity of Cuba, a great depot and slave mart—and affording temptations innumerable to a traffic in slaves from the education and habits of the people of Louisiana. The experience of the Government has exactly corresponded to what your memorialists would have presumed to be the case. We refer your honorable body to the explicit testimony of the collector of the customs at New Orleans, (Mr. Beverly Chew,) in his letters to the Secretary of the Treasury on the subject of the piratical establishment at Galveston; and to the statement made at the last session of Congress, and never contradicted, that above 14,000 slaves were introduced into the United States in that year, and principally through these outlets. We would ask, then, with all deference to your honorable body, what can be more feasible to the unprincipled men engaged in this business than, after the Louisiana market is glutted, to introduce slavery to any extent, and with perfect impunity to themselves, into the Missouri State, if Congress should unhappily countenance its existence? Your memorialists cannot doubt for a moment that this would really be the case, and they are persuaded that it has already taken place, to an alarming extent, under the territorial laws.

But admitting, for the sake of the argument, as your memorialists are willing to admit, that the number of slaves introduced into the Union from foreign countries, and in violation of your laws, must ever be inconsiderable, your memorialists are still of opinion that it would be unwise in Con-

Prohibition of Slavery in Missouri.

gress to permit the extension of slavery in the new States. The slaves which might then be introduced into Missouri, from the Union at large, would multiply, as your memorialists conceive, to a degree hitherto unknown in this country, not only from the increased facilities of subsistence, but the comparative mildness of her climate. Whilst these causes were operating to perpetuate the evil in the West, the slave population in the Atlantic States must of necessity rise with the demand for labor and the means of life; and the event would be, as your memorialists can confidently predict, that the number of persons of this unhappy description in the United States would be a thousandfold greater than if the slaves were confined, as your memorialists would advise, to the States now holding them.

We would ask, with all deference to your honorable body, when and where is this evil to cease? If it be permitted to the people of Missouri, there is no reason that your memorialists can conceive why it may not be allowed to the inhabitants of every part of Louisiana within the treaty of limits. And, without pretending to any uncommon sagacity on this subject, it is easy for your memorialists to foresee that this will certainly be the case, without the interposition of the General Government. If the United States had no experience whatever of the effects of slavery, and it were still a problem how far it might be beneficial to a State to tolerate its existence in the mildest form, it would appear more credible to your memorialists that citizens of the United States might be found who would be willing to make the untried experiment in our new territory.

But with the convictions which our colonial history and every day's experience are forcing on the minds of your constituents; with the acknowledged fact that slavery was introduced among us in an unenlightened and fanatical age, and that, for nearly two centuries, it has been progressively fruitful of the most unhappy results in this country; and knowing, as we well do, its effects on the state of agriculture, the manufacturing and mechanic arts, and generally on the industrious and profitable habits of a people, and their domestic peace—to think of introducing such a state of things, and of choice, too, in a new country, is to your memorialists perfectly inconceivable.

Your memorialists are well aware that it may be a very obvious reply to the statement of your memorialists, that, admitting the reasonableness of what your memorialists have set forth, it is still incumbent on them to show that Congress have a right to prescribe this condition to a sovereign State. Your memorialists might be content, on this occasion, to refer to the uniform practice of the Government, and to the well known fact that this very condition, and many others, besides, have been made in almost every instance the bases of their admission into the Union whenever new States have been formed out of our old domain. There is nothing, as your memorialists can perceive, in the Treaty of Paris, by which Louisiana was ceded to this country, that makes it necessary for the United States to depart from the practice.

It simply requires of this Government that the Territory in question shall be admitted into the Union as soon as possible, and upon the principles of the Federal Constitution—that is, as your memorialists understand it, precisely in the same manner as other States have been admitted. And, in point of fact, when the southern section of this Territory, under the name of Louisiana, was about to be formed into a State, it was required of it to conform, not to the condition we have mentioned, indeed, (for the situation of the Territory entirely forbade it,) but other conditions were made preliminary to this favor and implying an equal degree of power in the party prescribing them.

It is well known to your honorable body that it was made a positive condition with Louisiana, not only that the lands of the United States within her jurisdiction should never be taxed, and that all purchasers of said lands should enjoy the same immunity for five years after their purchases, but, what is equally remarkable, it is provided that the trial by jury shall be secure to her citizens in all criminal cases, and that the laws which such State shall pass shall be promulgated, and its records, of every description, shall be preserved, and its judicial and legislative written proceedings conducted in the language in which the laws and the judicial and legislative written proceedings of the United States are now published and conducted. Your honorable body is doubtless well informed that, in the Spanish and French colonies established on this continent, the civil law, which never recognised our institution of juries, was introduced at a very early period. And in the province of Louisiana, though it had often changed masters, and had been at times the property of France and Spain, the French language was principally in use. These were circumstances, as your memorialists conceive, of no small import to the people of Louisiana, considering the nature of their education and descent, and, to the apprehension of your memorialists, quite as much a matter of internal regulation as the holding of persons to involuntary servitude. And yet your honorable predecessors of the twelfth Congress, in the exercise, as your memorialists conceive, of their rightful constitutional power to make the admission of a State into the Union conditional, and of the duty incumbent on Congress to guaranty to each State a republican form of government, did prescribe to Louisiana as your memorialists have set forth.

But your memorialists are persuaded that, if no such precedents were to be found in the laws of the Union, and the Constitutional history of this Government were not full of examples to confirm their theory, it would still be very manifest that Congress has ample power to impose this condition, particularly from an examination of the Constitution, in the third and fourth sections of its fourth article, and that the objections drawn from the nature of the State sovereignties are altogether unfounded.

But your memorialists forbear to pursue a discussion to which your honorable body must be far more competent than they can pretend to be. They

Prohibition of Slavery in Missouri.

will merely observe to the Senate that, to their apprehension, a question of greater magnitude, and involving considerations of higher moment to the interests and happiness of the American people, has never been submitted to the decision of Congress. They believe that your honorable body must be ambitious of remembrance, and of grateful remembrance, in after-times; and they cannot conceive of a more enviable distinction than that it shall be the happy result of your beneficent measures that in the wildest and most fruitful region of this great continent, and at no remote day, not one human being is denied his natural and inalienable rights. And your memorialists humbly pray that a provision may be inserted in the bill now pending before your honorable body authorizing the people of the Territory of Missouri to form a State government, and for other purposes, forbidding the extension of slavery in said State.

PROHIBITION OF SLAVERY IN MISSOURI.

[Communicated to the Senate, January 18, 1820.]

At a meeting of the citizens of Hartford and its vicinity, held at the State House, on Friday, the 3d day of December, 1819, pursuant to public notice, for the purpose of taking into consideration the subject of permitting slavery in such States as may hereafter be admitted into the Union, John T. Peters was appointed chairman, and J. W. Edwards, secretary.

The following resolutions were adopted:

Resolved, That the existence of slavery in this Republic is an evil deeply to be lamented, and utterly repugnant to the principles of a Republican Government.

Resolved, That, in the opinion of this meeting, the peculiar phraseology of the preamble to the Declaration of Independence, declaring that "all men are created equal," &c., shows conclusively that the illustrious authors of that document never contemplated the further extension of slavery in these United States.

Resolved, That, in the opinion of this meeting, Congress possesses the clear and indisputable right to prescribe the terms upon which any territory may be admitted into the Union as an independent State; and that a contrary doctrine would not only tend to destroy that order and harmony so indispensable to the happiness and union of these States, but would prostrate the powers confided to the General Government by the Constitution.

Resolved, That it is a duty the American people owe to their Republican character, and the honor and glory of their country, to endeavor by all honorable and lawful means, to prevent the further extension of slavery, which we consider to be contrary to the spirit of our free and excellent Constitution, and injurious to the highest interests of the nation.

Resolved, That, while we lament the efforts which the Representatives in the last Congress from the slaveholding States made to extend an evil which all unite in deploring, the thanks of this meeting

are eminently due to those members who so ably and zealously opposed the admission of slavery into the proposed State of Missouri.

Resolved, That the Senators and Representatives in Congress from this State be requested to use every honorable and Constitutional exertion to prevent the admission of slavery into any new State which may be formed.

Resolved, That the Hon. Thomas S. Williams, Rev. Thomas H. Gallaudet, Hon. Sylvester Wells, and Hon. John T. Peters be a committee to draught a memorial to Congress upon this subject, which shall comport with the spirit of these resolutions.

Resolved, That the Chairman of this meeting be, and he is hereby, requested to forward a copy of these resolutions and memorial to the Senators and Representatives in Congress from this State.

Resolved, That Michael Bull, Nathaniel Goodwin, Charles Babcock, Oliver E. Williams, Chas. L. Porter, Thomas Huntington, Joseph B. Gilbert, E. Bolles, Samuel Huntington, Elihu Olmsted, Azor Hatch, and Roderick Terry be a committee to solicit signatures to the said memorial; and that the several printers of newspapers in this State be requested to publish the proceedings of this meeting.

JOHN T. PETERS, *Chairman*.

JONA. W. EDWARDS, *Secretary*.

To the Senate and House of Representatives of the United States of America in Congress assembled:

The memorial of the undersigned, inhabitants of the city of Hartford and its vicinity, in the State of Connecticut, respectfully represents: That, as your present session will probably furnish the occasion of deciding a question which deeply involves the character and prosperity of the vast Republic over whose interests you are called by Providence to preside; the welfare of that countless posterity who are to inherit from us that can render human life a blessing or a curse; and the fate of thousands of our fellow-men, whose dearest rights have been so long sacrificed to the plea of necessity or of interest, we deem it a sacred duty which we owe to ourselves, to our country, and our God, to make use of that invaluable privilege which our excellent Constitution affords us, of attempting to influence the Councils of the nation, by every consideration and motive which justice, honor, and a sound policy will sanction, ere the final step be taken, which, if a wrong one, will shroud the prospects of our country's happiness and glory in shades of the deepest gloom.

In doing this, we avow that no influence actuates us but the purest patriotism. We would rise superior to that ignoble jealousy which weighs all political questions in the petty scale of mere State interest, and measures every proceeding of the National Legislature by the contracted standard of advantage to the Northern or Southern, the Eastern or Western sections of our common country. We would feel as Americans, and present to your respectable body only such considerations as are worthy of the regard of those who, in their least important as well as most momentous decisions, should fix a single eye upon the general hap-

Prohibition of Slavery in Missouri.

pineness of millions who are to constitute, under the auspices of prudent and magnanimous councils, a great and happy people.

We are inspired with a lively hope that what we may venture to suggest will be weighed with carefulness and candor when we call to mind the honorable and energetic measures which Congress has of late adopted to check the future progress of slavery in the United States—measures which, we trust, will yet derive resistless efficacy from the co-operation of the whole Christian world, from a vigilant enforcement by those officers whose province it is to carry them into effect, and from the repeated adoption of such future auxiliary provisions as the elusive cunning of the traffickers in human blood may yet render necessary to wipe from the character of man one of its foulest stains. Most unhappy will be the result if the accession of new States to the Union, by granting them the privilege of holding a portion of their fellow-men in bondage, should prove to be the discomfiture of those generous efforts which are made to prevent our vast portion of this western hemisphere from being any longer the disgraceful prison-house of the unfortunate sons of Africa.

That the Constitution invests Congress with ample power to impose a restriction with regard to slavery upon such States as may from time to time be admitted into the Union, the territory of which lies out of the original limits of the United States, we think there can be no doubt. The Union is indeed a compact of independent and sovereign States; but it is a compact whose base rests on the principles which all the States avowed in their combined struggle for freedom; on the principles of relative justice, of mutual sacrifices of interest for the general welfare, and of a surrender of individual rights to promote the strength and prosperity of one common Republic.

These principles, which, under Providence, gave vigor to the resistance of the colonies against the usurpation of the mother country, and a happy result to that resistance, did not cease to have a binding force upon the States when the conflict for liberty was over, and when, assuming again for a little while their original sovereignty, they deliberated in their individual capacity upon the adoption of such a form of government as would best secure to them and their posterity the blessings for which they had been contending. They were unshackled, it is true, by the restrictions of any written instrument, but they were still bound to each other by the ties of honor and justice. When we find them proclaiming to the world as one of the principles—nay, as the fundamental principle under which they had acted in concert—“that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness,” can we cast such a reproach upon the worthies who conducted their councils as to suppose that they meant entirely to abandon this principle, or not to feel its force? Its application, indeed, was waived with reference to those States whose policy led them to make it a condition of their adoption of the Federal Con-

stitution that they should retain the privilege of holding slaves, and that these slaves should go to increase the mass of their population who should be entitled to a voice in our National Councils. But this was done in the spirit of compromise; and the original principle which was avowed in the Declaration of Independence revives, in all its primitive force, with reference to any new States which may be admitted into the Union, and which lie out of the limits of those States who made the compromise; so that no argument in favor of the absolute and entire sovereignty of new States is more fallacious than that drawn from a supposed analogy between their relation to the Union and that which existed between the States who originally formed this Union.

There has never been a period in our history since the time of our first resistance to Great Britain that a greater or less surrender of the rights of State sovereignty has not been made for the general good; and if, for the same object, such a surrender is now demanded of any portion of our country that wishes to enjoy the privilege of becoming a State, it has no right to complain of partial treatment; and unfounded indeed is such a complaint, when the surrender required, or the restriction imposed, is sanctioned by one of the fundamental principles of the great charter of our liberties; a departure from which, for reasons that no new State can now urge, was once reluctantly made in order to secure the unanimous adoption of the Federal Constitution.

Surely, if the States who were the original parties to the compact had a right to stipulate with each other with regard to the surrender which each should make of some portion of its sovereignty for the common weal, they have now the right, through Congress, as their organ, to make similar stipulations for the same object with those who are to become new parties to the compact. The only question, then, that remains is, has the Constitution empowered Congress to act as this organ? The third section of the fourth article of that instrument says: “New States may be admitted by the Congress into this Union; but no new States shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned, as well as of the Congress.” The fair construction of this language is, that Congress is to judge of the expediency of admitting new States into the Union, and also of the terms of their admission; and, lest this power vested in Congress should seem to encroach upon the sovereignty of the States who were actually parties to the compact, their consent is made necessary in case new States are formed out of them, or by their junction; which evidently proves that, in all other cases, the power of Congress was to be complete and unrestricted. As the Constitution nowhere gives any portion of territory, or any mass of population, the right to force itself into the Union; and as it nowhere describes the precise conditions upon which new States may be admitted, but refers the whole sub-

Prohibition of Slavery in Missouri.

ject in the most general terms to Congress, it seems to result from the very necessity of the case, as well as from the fair interpretation of the Constitution, that Congress must judge of the expediency and of the conditions of all such admissions. This power Congress has more than once exercised; nor have the various restrictions which it has imposed upon several of the new States, as the terms of their admission into the Union, been heretofore considered any infringement of the Constitution, or undue encroachment upon State sovereignty. Good faith, therefore, will be strictly kept with those who have become subject to the Government of the United States by the treaty of the cession of Louisiana, if, upon their wishing to be made a new State, they are required, as a condition of this, to pledge themselves to interdict slavery within their limits; for, although the treaty stipulates that they shall be incorporated into the Union of the United States, and admitted as soon as possible to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, yet, all this is to be done, as the same treaty stipulates, "according to the principles of the Federal Constitution." Like every other citizen of the United States, a citizen of the contemplated new State will have the privilege of holding slaves in those States where slavery is permitted; and, like other citizens, be debarred this privilege in States where slavery is not permitted. Nor does it at all affect the merits of the case that his own happens to be one of these States. Without going into any detail of argument, the same reasoning applies, *mutatis mutandis*, with conclusive force to the objection which is raised to the proposed restriction against the existence of slavery in any new State, from that article in the Constitution which provides that "the citizens of each State shall be entitled to all privileges and immunities of citizens in the several States."

So far from injustice being done to the slaveholding States by the proposed restriction, which it is contended by many would be the case, we feel it a duty we owe to ourselves, as citizens of a State in which slavery is forbidden, to urge upon the consideration of your respectable body, the constituted guardian of our political rights and liberties, that the permission of slavery in the new States will be an unwarrantable departure from the principles of that compromise which it is confessed led to the formation of that part of the Constitution which gives to the slaveholding States such an influence in the councils of the nation from a great mass of the population who are not recognised or treated as freemen. This was, in fact, a bargain made between distinct and independent contracting parties, and, in good faith, this bargain ought not to be stretched in its application to any new parties, without the consent of all those who originally made it.

But these considerations are merged in the more important ones of national policy and interest. The evils which are already felt, and the more dreadful ones which are to be feared, from the existence of slavery in our country, will, in the opinion of your memorialists, be greatly enhanced by the

extension to new States of the privilege of holding their fellow-men in bondage. With all due regard to the best interests of those of our fellow-citizens who are at present immediately exposed to those evils, we do sincerely believe that their safety, as well as that of the Union, depends upon keeping the slave population of our country within the narrowest possible limits. If coercion be necessary, it can be most easily, promptly, and successfully applied. If dangers are to be apprehended, they will most quickly be perceived. If plans of gradual emancipation are to be adopted, they will be more efficaciously carried into effect. Philanthropy has, indeed, pleaded in behalf of those who are in bondage, that their condition will be meliorated by scattering them over a greater extent of territory. Admitting that this might in some instances be the case, yet the prospect of a final deliverance from this miserable captivity would be diminished, if not destroyed; and that cupidity, which now is cunning enough to elude the watchful eye of civil authority, would have new temptations presented to excite its more insatiable desires; new markets would be opened for its cruel enterprises; and the places of those who might be carried to spread the contagion of this terrible moral disease into regions which are yet unsullied by its contamination would soon be supplied by a succession of fresh victims. Besides, we deprecate the diffusion of the slaveholding spirit, so incompatible with the noble and ingenuous character of freemen; so unhappy in the association which it forms in the minds of the rising generation, who are the hope and stay of our country; so inconsistent with the manly attitude which we have taken among the nations of the earth as the asserters of human freedom; so destructive of the physical strength of a State, by impressing on the brow of honest labor the mark of servitude and disgrace; so discouraging to the gradual progress, through a vast and growing territory, of a bold and hardy yeomanry, tillers of their own soil, and its most able defenders; so hostile to the temper of that religion which is at once the brightest ornament and surest strength of a people; and so ungrateful in its exercise towards that Being to whose justice we appealed for protection when we ourselves felt the pressure of that very yoke of bondage which now bears with a more galling and cruel weight on thousands of our fellow-men. He delivered us from the yoke, and he has crowned that deliverance with a profusion of the choicest blessings. What do we not owe to his goodness!

In making such appeals, we boast of no moral superiority over our Southern brethren. We well know that this dreadful curse was entailed upon them, and that too many of our own citizens have contributed to its continuance. We sympathize with them in any evils from this source which they feel, or dangers which they may fear. We rejoice with them, too, in any prospects which a kind Providence may be opening for the gradual and complete deliverance of our common country from this stain upon its reputation and canker of its prosperity; we hail, with them, the dawning of a happier day, when the combined efforts of our

Attorney General of the United States.

own and the other nations of the earth shall generously redress the wrongs of injured Africa, and, if possible, repay her sufferings, by raising her from her present state of moral and political degradation to the enjoyment of all those privileges for the possession of which she is now stretching forth her supplicating hands.

It is to give our own favored nation the best opportunity to take such a part as wisdom and prudence may suggest in this noble work of benevolence; to shield it against the imputation under which it has too long labored, that it can wield with one arm the weapons of war against its oppressors, while it rivets with the other the chains of bondage upon its unhappy victims; and, in the mean time, to furnish it with the best safeguard against the evils which may result from its misfortune or its crime, that we have united with others of our fellow-citizens in the object of this memorial, which we lay before your respectable body, with the assurance that, as it rests upon the immutable basis of truth and justice, its influence will not be lost.

ATTORNEY GENERAL.

[Communicated to the Senate, March 29, 1820.]

ATTORNEY GENERAL'S OFFICE.

SIR: I beg leave to call your attention to the state of this office, and to some material defects which, I think, exist in the laws in relation to it, with the view that the subject, if you shall think it of sufficient importance to merit this course, may be presented, through your committee, to the consideration of Congress before they rise.

The commission of the Attorney General "authorizes and empowers him to execute and fulfil the duties of that office according to law." The only law which points out those duties is the act of Congress of the 24th of September, 1789, entitled "An act to establish the judicial courts of the United States," the thirty-fifth section of which act creates the office, and designates its duties in the following words: "And there shall be appointed a meet person, learned in the law, to act as Attorney General for the United States, who shall be sworn or affirmed to the faithful execution of his office; whose duty it shall be to prosecute and conduct all suits in the Supreme Court in which the United States shall be concerned, and to give his advice and opinion upon questions of law, when requested by the President of the United States, or when requested by the Heads of any of the Departments, touching any matters that may concern their Departments." It is to be observed that there is no duty which the President or any Head of Department performs which does not involve some principle of law under the head either of the national or conventional law of nations, Constitutional law, or municipal law; consequently, there is no duty which belongs to either of those officers on which he has not the right to require the opinion of the Attorney General, and on which it is not continually required;

and, in relation at least to questions on municipal law, (which are incessantly occurring,) it is understood that the Heads of Departments consider the advice of the law officer conclusive.

In the operations of an office whose sphere of action is so wide, and whose decisions are of such extensive and unremitting practical effect, it would seem to be of consequence to the nation that some degree of consistency and uniformity should prevail; but it is obvious that these can be attained in no other way than by putting the incumbent for the time being in full possession of all the official opinions and acts of his predecessors.

Under this impression, when I had the honor of receiving the appointment, my first inquiry was for the books containing the acts of advice and opinions of my predecessors. I was told there were none such. I asked for the documents belonging to the office, presuming that at least the statements of cases which had been submitted for the opinion of the law officer had been filed, and that I should find endorsed on them some note of their advice in each case; but my inquiries resulted in the discovery that there was not to be found, in connexion with this office, any trace of a pen indicating, in the slightest manner, any one act of advice or opinion which had been given by any one of my predecessors, from the first foundation of the Federal Government to the moment of my inquiry. Thus, the gentlemen who have held this office in succession, having no guide as to the past, have been in constant danger of being involved themselves, and involving the Departments which depended on their counsel, in perpetual collisions and inconsistencies, and exposing the Government to that kind of degradation which never fails to attend an unsteady and contradictory course.

In noticing the omission to keep these records, and preserve the statements and documents, I am very far from intending any censure on my predecessors, for no law had enjoined it on them as a duty; and from the multitude and variety of questions which are unavoidable pressing upon this office throughout the year, it is very apparent that the plan which I suggest could not have been executed without an expense in clerk hire here, fuel, stationery, &c., for which there is no provision by law.

After this explanation, I submit it to you, sir, with great deference, whether it would not be expedient that some provision be made, by law, for keeping a record of the opinions and official correspondence of the Attorney General in his office, and for preserving in his office the documents submitted for his advice.

Again: the subjects on which the Attorney General is occasionally consulted, and those on which he has to act in the Supreme Court, turn not unfrequently on the local laws of the several States; but these have not been furnished to his office, and the omission is a serious practical evil. Would it not be well that the office of the Attorney General should be supplied with these laws?

Another defect seems to me to exist in the law

Attorney General of the United States.

as it now stands. You will observe that the only law which prescribes the duty of the Attorney General, and which I have already quoted, limits the obligation upon him, and consequently limits his rights to give official advice and opinions to cases in which he shall be called upon by the President, or by any of the Departments, touching any matters which may concern their Departments. But I am told (and, in my short experience, I have already found it true, in part) that the advice and opinion of the Attorney General, in his official character, are called for by the committees of Congress, standing and special, by all the district attorneys, collectors of customs, collectors of the public taxes, and marshals throughout the United States, by courts-martial, military and naval, wheresoever they may sit, &c. If it be advisable to open the office of the Attorney General to applications of this kind, I submit it to you, sir, whether it would not be expedient to have it provided for by law. 1st. That the several officers and public bodies which have been mentioned, instead of resting on the personal courtesy of the Attorney General, may be authorized to call for his opinion as a matter of right; and 2dly, (which strikes me as being of equal if not superior importance,) that the Attorney General himself may be justified in giving an official opinion in these cases; for, in a Government of laws like ours, it seems to me of importance that the influence of every office should be confined within the strict limits prescribed for it by law. It cannot be questioned, from the connexion of the Attorney General with the Executive branch of the Government, that his advice and opinions, given as Attorney General, will have an official influence beyond and independent of whatever intrinsic professional merit they may possess; and whether it be sound policy to permit this officer, or any other under the Government, even on the application of others, to extend the influence of his office beyond the pale of the law, and to cause it to be felt where the laws have not contemplated that it should be felt, is the point which I beg leave to submit to your consideration.

There is, however, a strong objection to any new provision which should go to open the office of the Attorney General, as now organized, to applications beyond the provision of the act of 1789. It is this: I am convinced that no single, unassisted individual, whatever may be his strength, his habits of industry, or the system and celerity of his movements, could discharge, in a manner satisfactory to himself or the nation, the vast load of duties which would be thus thrown upon him, without devoting himself to them solely and exclusively. The very frequent calls which are regularly and properly made upon his office under the act of 1789, and the careful and elaborate examination which it is often necessary to bestow upon these subjects, are found to be sufficient, in connexion with the Attorney General's duties in the Supreme Court, to give the office, at present, almost constant occupation; and if, in addition to these duties, he shall be placed under a legal obligation to answer all the other calls which have been mentioned, he must unavoidably abandon

entirely the individual pursuits of his profession, and rest for the support of his family on the salary attached to the office. Even under the duties as they now exist, very little time is left to the Attorney General to aid the salary of his office by individual engagements—a fact which may explain, in part, the frequent resignations of this office which have heretofore occurred.

I would not have troubled you with these suggestions at this time, but that the subject strikes me as being of so much practical importance to the nation as to merit consideration, and that it relates to an office, the defective organization of which, however grievous to the incumbent, or injurious to the public, would not be apt to force itself on the notice of others.

I have the honor to be, &c.

WM. WIRT.

HON. HUGH NELSON,
Chairman Judiciary Com. H. R.

WASHINGTON, March 28, 1820.

DEAR SIR: I understand that the appropriation bill, as it passed the House of Representatives, is now before the Senate; and, not having observed who is the chairman of the committee to whom the subject will belong, I beg leave to call your attention to a change which has been made in the appropriation relative to the office of Attorney General.

In the year 1818, I addressed a letter to the chairman of the Judiciary Committee of the House of Representatives, relative to the state in which I had found the office of the Attorney General, and the causes that had produced it. Mr. Strother, of the House of Representatives, has now a copy of that letter, which you will please receive from him. This representation made it manifest that the public good required the appointment of a clerk to record those official opinions of the law officer of the Government by which the movements of the several Departments were regulated, in order to preserve consistency and harmony in the operations of the Government in execution of our laws, under every change of the public officers. A clerk was accordingly appointed, at a salary of \$1,000 per annum; but as it was idle to appoint a clerk, and allow rooms for an office, without allowing also stationery, fuel, and a boy to attend to the menial duties of the office, a small contingent fund of \$500 was allowed to procure these articles, the whole of which were strictly for the public good.

I understand that the House of Representatives have stricken off \$200 from the salary of the clerk, and have stricken out also the whole of the \$500 for contingencies; thus leaving a clerk, indeed, at a reduced salary, but not leaving the means to employ him, to wit, stationery, fuel, &c. The manifest injustice of requiring me to furnish these articles for public use will, I doubt not, produce a reinstatement of the allowance of the contingent fund, which, indeed, is scarcely adequate to its object; since, out of this allowance of \$500, there are to be supplied fuel, stationery, a boy to attend to the

Boundary between Kentucky and Tennessee.

menial duties of the office, carrying messages, &c., and the printer's bills for all the statements required for the United States cases in the Supreme Court. You will learn, on inquiry, that the whole \$500 will scarcely pay a messenger in any other office.

If you think the case worthy of attention, I would thank you to represent it to the chairman of the committee who have the subject under consideration, and to the Senate, if necessary.

Your friend and servant,

WILLIAM WIRT.

The Hon. NINIAN EDWARDS.

ADJUSTMENT OF BOUNDARY BETWEEN KENTUCKY AND TENNESSEE.

[Communicated to the House, April 14, 1820.]

The States of Kentucky and Tennessee, desirous of terminating the controversy which has so long subsisted between said States in relation to their common boundary, and of restoring the most perfect good understanding and harmony between them, have for that purpose appointed their respective commissioners, that is to say: the State of Kentucky, on her part, has appointed John J. Crittenden and Robert Trimble; and the State of Tennessee, on her part, has appointed Felix Grundy and William L. Brown, who, after a reciprocal communication of their respective powers, have agreed upon the following articles and stipulations.

ARTICLE 1. The line of boundary and separation between the States of Kentucky and Tennessee shall be as follows, to wit: The line run by the Virginia commissioners in the years 1779 and 1780, commonly called Walker's line, as the same is reputed, understood, and acted upon by the said States, their respective officers and citizens, from the southeastern corner of Kentucky to the Tennessee river; thence with and up said river to the point where the line of Alexander and Munsell, (run by them in the last year, under the authority of an act of the Legislature of Kentucky, entitled "An act to run the boundary line between this State and the State of Tennessee, west of the Tennessee river, approved February 8, 1819,") would cross said river; and thence, with the said line of Alexander and Munsell, to the termination thereof on the Mississippi river, below New Madrid.

ART. 2. It is agreed and understood that, from the point where Walker's line strikes the Tennessee river to the point where the line of Alexander and Munsell would cross the same, the said Tennessee river shall be the common boundary of said States, and subject to their common use and concurrent jurisdiction. Any island or islands in that part of the river Tennessee which forms the common boundary between the two States shall be within the exclusive jurisdiction of Kentucky; but any appropriations thereof by individuals, heretofore made under the laws of North Carolina or Tennessee, shall be valid.

ART. 3. Whenever the Governor of either State shall deem it expedient to have the boundary be-

tween the two States which is east of the Tennessee river, or any part thereof, run and plainly marked, he shall cause a notification thereof to be communicated to the Governor of the other State, and thereupon, with all convenient despatch, two surveyors shall be appointed for that purpose, one by the Governor of each State; and the surveyors so appointed shall have power to employ a competent number of chain-carriers and assistants, and they shall ascertain, survey, and mark said line plainly and durably, having due respect to the provisions of the first article hereof; and it shall be the duty of said surveyors to make out and sign duplicate plats and reports of their surveys and proceedings, to be communicated by each surveyor to the Governor of his respective State, to be deposited and preserved in the office of the Secretary of State, for a testimony and memorial of the boundary between said States; and all cost and expense that may be incurred under the provisions of this article, and in surveying and marking said boundary line, shall be paid by said States jointly and equally.

ART. 4. The claims to lands lying west of the Tennessee river, and north of Alexander and Munsell's line, and derived from North Carolina or Tennessee, shall be considered null and void; and claims to lands lying south of said line and west of Tennessee river, derived from Virginia or Kentucky, shall in like manner be considered null and void.

ART. 5. All lands now vacant and unappropriated by any person or persons claiming to hold under the State of North Carolina or Tennessee, east of the Tennessee river, and north of the parallel of latitude thirty-six degrees thirty minutes north, shall be the property and subject to the disposition of the State of Kentucky; which State may make all laws necessary and proper for disposing of and granting said lands, or any part thereof, and may, by herself or officers, do any acts necessary and proper for carrying the foregoing provisions of this article into effect; and any grant or grants she may make therefor, or any part thereof, shall be received in evidence in all the courts of law and equity in the State of Tennessee, and be available to the party deriving title under the same; and the land referred to in this article shall not be subject to taxation by the State of Tennessee for five years, except so far as the same may, in the mean time, be appropriated by individuals.

ART. 6. Claims to lands east of the Tennessee river, between Walker's line and the latitude of thirty-six degrees thirty minutes north, derived from the State of Virginia in consideration of military services, shall not be prejudiced in any respect by the establishment of Walker's line; but such claims shall be considered as rightfully entered or granted, and the claimants may enter upon said lands, or assert their rights in the courts of justice, without prejudice by lapse of time, or from any statute of limitations for any period prior to the settlement of the boundary between the two States, saving, however, to the holders and occupants of conflicting claims (if any there be) the right of showing such entries or grants to be in-

Roads contemplated by the Treaty of Brownstown.

valid and of no effect, or that they have paramount or superior titles to the land covered by such Virginia claims.

ART. 7. All private rights and interests of lands between Walker's line, from the Cumberland river, near the mouth of Oby's river, to the southeastern corner of Kentucky, at the point where the boundary line between Virginia and Kentucky intersects Walker's line on the Cumberland mountain, and the parallel of thirty-six degrees thirty minutes north latitude, heretofore derived from Virginia, North Carolina, Kentucky, or Tennessee, shall be considered as rightfully emanating from either of those States; and the States of Kentucky and Tennessee reserve to themselves, respectively, the power of carrying into grant claims not yet perfected; and in case of conflicting claims (if any there be) the validity of each claim shall be tested by the laws of the State from which it emanated, and the contest shall be decided as if each State, respectively, had possessed the jurisdiction and soil, and full power and right to authorize the location, survey, or grant, according to her own rules and regulations.

ART. 8. It is agreed that the foregoing articles shall receive the most liberal construction for effecting the objects contemplated; and should any disagreement arise as to the interpretation, or in the execution thereof, two citizens of the United States, but residents of neither Kentucky nor Tennessee, shall be selected, one by the Executive of each State, with power to choose an umpire in case of disagreement, whose decision shall be final on all points to them submitted.

ART. 9. Should any further legislative acts be requisite to effectuate the foregoing articles and stipulations, the faith of the two States is hereby pledged that they will unite in making such provisions, and respectively pass such laws as may be necessary to carry the same into full and complete effect.

ART. 10. The foregoing articles and stipulations, if ratified by the Legislature of Kentucky during their present session, shall forever be obligatory and binding on both States, and take effect from this day.

In faith whereof, we, the respective commissioners, have signed these articles, and have hereunto affixed our seals. Done in duplicate, at Frankfort, the 2d day of February, 1820.

JOHN J. CRITTENDEN. [SEAL.]

ROBERT TRIMBLE. [SEAL.]

FELIX GRUNDY. [SEAL.]

WILLIAM L. BROWN. [SEAL.]

ROADS CONTEMPLATED BY THE TREATY OF BROWNSTOWN.

[Communicated to the House, May 12, 1820.]

Mr. WOODBRIDGE, from the committee appointed to inquire whether any, and, if any, what further provision may be necessary to give effect to the provisions of the treaty made at Brownstown, in the Territory of Michigan, reported:

That the treaty referred to was concluded on the 25th day of November, 1808, and that its exclusive object appears to have been to obtain the establishment of a practicable and convenient road from the interior settlements of the United States to those of the Territory of Michigan.

Many of the tribes of Indians with whom that treaty was concluded were, in virtue of previous treaties, entitled to receive within that Territory large annuities; there never had been any artificial road leading to it, except through the province of Upper Canada; delays had consequently occurred in the transmission of those annuities, and reiterated complaints were made because they were not received; or, if received, frequently damaged. To obviate such difficulties, and in the expectation that many important advantages would result to them from a measure which promised to bring them more immediately under the observation and protection of the Government, the Indians, parties to the treaty, without any further remuneration than such incidental benefits as they anticipated from the establishment of the proposed road, voluntarily ceded to the United States a tract of land of one hundred and twenty feet in width, extending from the "foot of the rapids of the Miami of the Lake" to the western line of the "Connecticut Western Reserve," and all the land within one mile of said tract on each side of it; and, also, another tract of land of one hundred and twenty feet in width, extending from Lower Sandusky, southerly, to the boundary line established by the Treaty of Greenville. This treaty is, in the body of it, declared to be reciprocally binding; but it is observable that no new obligation, of any nature, seems to have been imposed by it upon the United States, unless it may be fairly inferrible, from its context, its avowed object, and the circumstances attending its conclusion, that this Government became bound to establish and maintain the contemplated road.

The intention of the parties to the treaty your committee believe to be obvious; the history of the transaction, the repeated declarations of the Indian chiefs who were parties to it, and the sentiments of Mr. Jefferson, then President of the United States, and who directed the negotiation, as they are disclosed in his Message to this House of the date of January 30, 1808, which accompanied a copy of the Treaty of Detroit, combined with the evidence furnished by the context of the treaty, indicate, conclusively, the establishment of a safe and convenient road as the sole object of the negotiation.

No measures, however, seem to have been adopted with a view to the attainment of that object until, by an act of Congress of the date of December 12, 1811, the President of the United States was authorized to appoint three commissioners to explore, survey, and mark the most eligible course for the proposed roads; and the sum of \$6,000 was appropriated to defray the expenses of executing the law.

Before any progress, however, could be made in giving effect to the views of Congress, war existed between this nation and Great Britain; and, of

Roads contemplated by the Treaty of Brownstown.

that war, the first fruits were the temporary loss of that entire province, to open an avenue to which was the object of the law referred to. The lamentable consequences which resulted from so humiliating an occurrence it is quite unnecessary to detail; it is sufficient to ask the attention of the House to the fact, that the barrier interposed by the northwestern posts having been broken down, the congregated force of the northern Indians was immediately felt along the whole interior and incurved frontier of Ohio and Indiana. Such a state of things was not favorable to the purpose of exploring the country and establishing roads. The money which was appropriated for the purpose of giving effect to the Treaty of Brownstown was soon lost in the immense aggregate of disbursements rendered necessary to enable the northwestern army under the command of General Harrison to advance: the greater part of the sum was expended in opening a road—of the first importance, certainly, for without it the northwestern army could have made no progress; but quite useless as it regards the permanent and paramount object contemplated by the Treaty of Brownstown—that of obtaining a good road over the Black Swamp. Not a solitary traveller now finds his way along that avenue; it is principally indicated by the broken remnants of baggage-wagons and gun-carriages, the scattered remains of flour barrels, and mouldering skeletons of horses and oxen, remaining, as they were left, just visible above the surface of the mud and wet which destroyed them. The road being found thus entirely useless, the President was authorized by an act of Congress of April 16, 1816, to alter its location. It is believed that some progress has been made, through the War Department, in the selection of a better site for a road, but no progress has been made in opening it; and it seems to your committee quite impossible, by the aid only of a small and diminished military force of the Government at Detroit, to effect at any time so desirable a work.

Such had been the proceedings in reference to the Treaty of Brownstown, and such the small progress made towards the accomplishment of its purpose, when, in September, 1817, the Treaty of the Rapids of the Miami was concluded; by the subsequent ratification of which, the Indian title to the whole country within which the contemplated roads were to be located became vested in this Government.

It has not escaped the observation of your committee that this treaty may be considered to affect materially the relation in which the General Government previously stood in reference to the Treaty of Brownstown; yet they have supposed that if the obligation imposed upon this Government by the last-mentioned treaty were an absolute one, if no election were given to the United States originally to make the roads contemplated and accept the cession, or, at their pleasure, to dissent from the grant and refuse to make and continue the roads, then the obligatory force of the Treaty of Brownstown cannot justly be deemed to have ceased in consequence of the treaty of the 29th September, 1817; but that, in good faith, this Government is

still bound to fulfil all its requisitions. Without endeavoring, however, to arrive with technical precision at the only true construction of which these treaties may now be susceptible, your committee remain entirely satisfied that other considerations, founded in motives of the truest economy and the soundest policy, imperiously require the positive accomplishment of the views disclosed by the parties to the Treaty of Brownstown.

The Black Swamp, so celebrated in the annals of our recent history, is an extensive morass, which winds round the southeastern border of Michigan; it terminates on the north at the border of Lake Erie, comprehending a width of about thirty miles; it extends so far southerly and southwesterly as to interrupt all communication by land between the settlements in Michigan and those of the interior of the United States. It consists of an elevated basin of impervious clay, upon which rests a thick stratum of fertile black loam; there is so little inclination in its general surface that, though numerous streams pass through it, there is little opportunity for the water with which it is sometimes almost entirely covered to escape from it, except by the slow process of evaporation; while, at the same time, there exist unequivocal indications that its surface is elevated so far above the level of the water-courses and of the lake as that, by artificial drains, it may be made subservient to all the purposes of profitable agriculture.

No reliance, however, can be placed upon the individual industry of that country to construct a road over such a morass. The construction of a road must precede the establishment there of any considerable population.

The State of Ohio, within whose limits this morass is principally situated, if she possessed more ample funds than she does possess, could find no sufficient inducement to such an undertaking, for she has, comparatively, no inhabitants beyond it to protect; it forms the boundary of her population in that direction. Such a road must, therefore, be a national work. And, in addition to all those political considerations which so obviously and so powerfully dictate the construction throughout the Union of artificial roads and canals, there are others of local application, which, in the opinion of your committee, do imperiously call for the attention of the General Government to this particular section of the Union.

Such a road as is proposed would pass through a vast country of uncultivated land, the whole of which yet remains the exclusive property of the Government. Public lands are here considered a legitimate source of public revenue. To carry into effect the provisions of the Treaty of Brownstown would not only bring into market the beautiful country which is beyond the Miami, with the certain prospect of better and more accelerated sales, but would induce the settlement of that country, now so repulsive in its aspect, which lies between the Sandusky and the Miami, over which the road would go; it would soon be reclaimed; the construction of the road itself would uncover a considerable portion of the adjacent land, and fit it, with little additional expense, for immediate cultivation.

Roads contemplated by the Treaty of Brownstown.

Your committee feel that they hazard nothing in the proposition that, in a pecuniary point of view alone, this nation would soon find itself more than remunerated for the expense which might be incurred in the construction of the road, by the increased value of the public lands, and the accelerated sales it would induce.

There remains another and a distinct view of this subject, which your committee feel it a duty briefly to present. In examining the topic referred to them, your committee could not fail to consider it in regard to the military defences of the country.

The situation of the Territory of Michigan, in relation to the province of Upper Canada, renders that frontier, more than any other perhaps, peculiarly exposed; its settlements, rarely penetrating into the interior, in no place presenting a very dense population, extend along the meandering shores of the lakes and straits from Lake Erie to Lake Huron, and approach the very verge of the national boundary; they lie at the foot of that vast avenue which leads through Lakes Huron and Superior into the immense country of the northwest, and down which, with surprising facility, a formidable Indian force may at any time be brought upon them. In its rear, and intervening between it and the interior settlements of Ohio and Indiana, there still continues a numerous and powerful Indian population of many thousands, while its southeastern termination rests upon that formidable morass which so entirely separates that Territory from the strength and the power of this nation. So circumstanced, this prolonged line of settlement is opposed in front by the most thriving population of Upper Canada—a population increasing with a rapidity unprecedented in the annals of Canadian history, and which, whether its moral or physical character be considered, will hereafter be found more formidable, it is believed, than that of any other portion of either Canada.

Opposed by difficulties on all sides, and completely isolated, it would be unreasonable to suppose that the people of the Territory of Michigan, though influenced by the most devoted patriotism, could alone successfully resist so complicated a pressure as, in the event of a future war with Great Britain, may be brought to bear upon them. But, how much soever it concerns the honor of this nation to sustain its authority and to protect its people in every part of the empire, yet any consideration founded alone in the exposed condition of the inhabitants of Michigan becomes of diminished importance when the situation of that territory is adverted to, as it has relation to the interior frontier of Ohio, Indiana, and even Illinois. It is on the peninsula of Michigan alone that the exposed parts of that frontier can be cheaply and securely defended against Indian or English hostile incursions. The military positions of Detroit, Fort Gratiot, and Michilimackinac, and their intervening and neighboring settlements, are, in relation to that greatly extended interior frontier, a perfectly effectual *redoubt*. No enemy can approach it, except the citizens of that remote country, and the authority of this nation there, be first prostrated in the dust.

Your committee do not deem it important to fortify the proposition which on this point they advance by any train of deductions; they only beg leave to advert to two distinct periods in the history of that country, feeling entirely satisfied that an illusion to them, in connexion with the subject of this report, will be found to justify any practicable measures which may tend to increase the effective strength of the territory, or render more safe and practicable its communication with the interior of the Union.

In all that period which intervened between the treaty of peace of 1798 and the surrender to this Government of the northwestern posts, and while the Territory of Michigan was in the possession of a Power either hostile or indifferent to the peace of this country, it is matter of history that the western settlements were in a state of continued warfare; from the heights of the Alleghany to Natchez, its whole line of frontier was marked by blood and fire. But when the authority of this Government was established there, Indian hostility was neutralized; and, under the cover of profound peace, the Western country grew rapidly. Held in check by the barrier which the possession of the settled parts of Michigan enabled this nation to interpose against the English and the Indians of the northwest, the Indians of the peninsula of Michigan and of the northern part of Ohio were deterred, during the early part of the late war, from acts of hostility; but when the authority of this nation was prostrated there, distress and dismay pervaded the whole defenceless line of the most advanced settlements, from Cleveland, on Lake Erie, through Ohio and Indiana. But when again, before the conclusion of the war, this Government had, at an almost infinite expense of money, and by a sacrifice of blood which was above price, re-occupied these positions from which it had been driven, the scene of war was again removed, and the battles of Ohio, Indiana, and Illinois, were fought on the borders of Michigan.

The inference your committee would deduce from the historical facts alluded to is, they flatter themselves, manifest. It consists, unquestionably, with the true policy of this Government to throw into the peninsula of Michigan, by every practicable means, a dense population; and it is more especially their true policy to construct over the Black Swamp a permanent, safe, and convenient public road. Such a measure is dictated by good faith; for there can be no doubt but that the measure was contemplated by the parties to the Treaty of Brownstown. It is dictated by a wise regard to national economy; for the contemplated road would open an avenue to a fertile and beautiful country—the peninsula of Michigan—a country the soil within which is almost exclusively the property of the nation. It would conduce greatly, too, to the settlement of the immediate country, which is also the exclusive property of the nation, and the settlement of which must, almost of necessity, be preceded by some extraordinary effort of the National Government. But such a measure is not less imperiously called for as an almost indispensable measure of defence. The prodigious

Roads contemplated by the Treaty of Brownstown.

sums of money which were expended in the efforts which the nation made to reoccupy that territory would have constructed many such roads—efforts which could never have been called for; for if, in the spirit of the Treaty of Brownstown, good roads had, previously to the war, been constructed, if a convenient and practicable communication between Ohio and Michigan had existed, this nation would have been spared the humiliation of witnessing a disgraceful capitulation, and that devoted people would have been saved from the indescribable horrors of Indian devastation.

Every view which your committee have been able to take of the subject referred to them having confirmed them in the very decided opinion to which they have arrived, that a public road ought to be constructed from the Miami to the western line of the Connecticut Western Reserve, it remains for them respectfully to submit their opinion as to the best means by which that desirable object may be effected. They have not been regardless of the diminished amount of the public revenues; they are aware of the strong desire entertained by the House to limit the public expenditures to the smallest practicable sum; and it is with much satisfaction, therefore, that they feel themselves justified in recommending an expedient which they think will be adequate to the exigency, without any specific appropriation of money.

On reference to the stipulations contained in the Treaty of Brownstown, it is observable that a mile in width on each side of the contemplated road from the Miami to the Western Reserve is granted, as well as the site for the road itself, to the United States. It seems probable that the framers of that treaty had in view, at the time of the negotiation, the application of the whole of the ceded land, specifically, to the purpose of defraying the expense of making the road. From the best information which your committee have been able to obtain, they entertain the belief that this tract would furnish a fund more than adequate to the exigency, and that no more appropriate application could be made of the land in question.

They, therefore, respectfully recommend the adoption of the following resolution, viz:

Resolved, That the Committee on Roads and Canals be instructed to bring in a bill to authorize the Secretary of the Treasury to contract with any person or persons to construct a permanent and suitable road, to extend from the foot of the rapids of the Miami of the Lake to the western line of the Connecticut Western Reserve, according to the plan contemplated by the Treaty of Brownstown, and on such route, passing through the reserve (so called) at Lower Sandusky, as the President may direct, in consideration of the whole of the tracts on each side of the contemplated road which were granted by the Treaty of Brownstown, or so much thereof as, in the opinion of the Secretary of the Treasury, may be adequate to the object; and in which bill shall also be inserted, among other things, a provision or provisions that the person or persons so contracted with do complete

the said road within a reasonable time, in said bill to be limited; that such person or persons do stipulate to keep said road in good repair for and during a number of years, to be in said bill defined; and also that the person or persons so contracted with do also give bond, with sufficient sureties, for the faithful performance of his or their contract; and also a provision defining a time and manner in which the title to said lands may be conveyed.

All which, together with the documents Nos. 1, 2, 3, and 4, which accompany this report, and which they pray may be taken as part of it, is respectfully submitted.

No. 1.

Whereas a grant of land was made by certain tribes of Indians, at a treaty held at Brownstown, in the Territory of Michigan, on the 25th of November, 1808, for locating a road from the foot of the rapids of the Miami of the Lake to the western line of the Connecticut Reserve; and a road to run southwardly from the Lower Sandusky to the boundary line established by the Treaty of Greenville: and whereas the sum of six thousand dollars was appropriated by an act of Congress passed December 12, 1811, for the purposes of defraying the expenses of exploring, surveying, and opening the same, which has not been expended agreeably to the provisions of the said act, but from some cause has been turned over to some other appropriation, or yet remains unexpended in the Treasury of the United States: therefore—

Resolved by the General Assembly of the State of Ohio, That our Senators and Representatives in Congress be requested to use their influence to have the sum aforesaid laid out on one or both of the before-mentioned roads, as they think will be most advantageous to the interests of the State, and consistent with the original appropriation.

Resolved, That the Governor of this State be requested to forward one copy of the foregoing preamble and resolution to each of our Senators and Representatives in Congress, and one copy to the Delegate from the Territory of Michigan.

JOSEPH RICHARDSON,

Speaker of the House of Reps.

ALLEN TRIMBLE,

Speaker of the Senate.

FEBRUARY 22, 1820.

SECRETARY OF STATE'S OFFICE,
Columbus, O., Feb. 25, 1820.

I certify the foregoing to be a correct copy of the original roll, remaining on file in this office.

JOHN McLENE, *Sec'y of State.*

No. 2.

WASHINGTON CITY, March 31, 1820.

SIR: In reply to your inquiries relating to the application of certain moneys appropriated to lay out and make certain roads contemplated by the Treaty of Brownstown, I have to make the following statement:

On the 27th of August, 1812, Mr. Secretary Gal-

Roads contemplated by the Treaty of Brownstown.

latin wrote me (then Governor of Ohio) on the subject of that road. A copy of his letter is herewith enclosed, to which I replied, stating to him the only course I could pursue in making the road preparatory to the march of the northwestern army under General Harrison. As it was a state of war, and the road to Sandusky altogether through the Indian country, no contract could be made for opening the road. I ordered out a company of frontier militia, who opened the road, thus coupling the defence of the frontiers with the making of the road. This was done in the autumn of 1812. In January, I received from the Treasury of the United States \$5,500, of which I expended on the road \$4,922 14, before the march of the army alluded to. Having many occasions for disbursing moneys on account of war operations, the residue of the \$5,500 was applied to various services, and for which I am accountable to the United States. I am, very respectfully, your most obedient servant,

R. J. MEIGS, Jr.

JOSEPH NOURSE, Esq.,
Register of the Treasury.

No. 3.

Extract of a letter from Governor Lewis Cass and General Duncan McArthur to the Secretary of War, dated

MIAMI RAPIDS, November 29, 1817.

It is well known that along the southern margin of this part of Lake Erie is a tract of wet land which always presents serious difficulties to the traveller, and frequently insurmountable obstacles.

From Fort Meigs, for many miles towards Urbana, and nearly the whole distance to Lower Sandusky, it becomes a morass known by the name of the Black Swamp. To reach the Territory of Michigan from any part of the settlements of the State of Ohio, by land, this swamp must be crossed.

No description can convey to a person who is unacquainted with it an adequate idea of the difficulties to be surmounted before a tolerable road can be formed through this country. Little is hazarded in saying that individual enterprise, or the operation of ordinary causes, will not accomplish it for a period which the rapid improvement of the United States, generally, would leave without a parallel. But the country from the extremities of this swamp, northward to Detroit, and southward and eastward to the settlements in Ohio, is level and wet, and a good road through it, to be made at all, must be made at the national expense.

The events of the late war with Great Britain upon this frontier must have satisfied every reflecting person that a good road, at the commencement of that war, passing from the interior of Ohio to Detroit, would have saved to the nation the expenditure of immense sums of money, and would have rendered the reduction of that place at any time easy, and its tenure secure. The supplies of provisions and the munitions of war necessary to the operations of the army upon this frontier were

transported at an enormous expense of time and treasure, and the principal obstacles opposed to those operations resulted from the nature of the country, and from its difficulty of access. This tract of country, in its present situation, renders the Territory of Michigan an insulated point upon the map of the nation. Its approach by water is uncertain, temporary, and, for many important purposes, inconvenient. By land it is difficult, tedious, and expensive. In any future war, its means of defence must be derived from the same States which were called upon to furnish them during the past. It is desirable, therefore, that the difficulties which were then experienced should be removed, and that the possession of a good road should enable the General Government at any time to throw into the country a force which would render it safe and secure; such a road would remove the barriers which nature has interposed, and would, in effect, approximate this country to the western portion of the Union, and, connected with the natural advantages it possesses, would insure it a speedy settlement, and an active and enterprising population.

But a road from the interior of Ohio to the lake only, would not answer this important purpose. Lake Erie may once more become the theatre of desperate exertion and skill; enterprise and courage may not again be rewarded with victory. But were our naval superiority upon this lake beyond the reach of accident, it should be still recollected that its navigation is more hazardous than that of the ocean, and for a considerable portion of the year closed or impeded by the ice.

It is precisely at this season, with the exception of a short time in the middle of the Winter, that the communication by land is most difficult; and the obstacles which are then interposed to traversing the country in any direction are serious and dangerous.

Should circumstances destroy our naval superiority upon the Upper Lakes, our communication with Detroit and its dependent settlements could be preserved by land only, and our possession of the country would in a great degree depend upon the facilities which the roads might offer to the march of troops, and to the transportation of their munitions of war, baggage and provisions. It is to be hoped that such an occurrence is remote; but the possibility of its happening, and its disastrous consequences, should we be found unprepared, furnish powerful motives to provide, as far as human wisdom can do, for the event.

By completing a road from Sandusky to Detroit, considerable progress would be made towards opening a great national communication from the capital to one of the extremities of the Union. The western turnpike from Cumberland to the Ohio, terminating at Wheeling, would leave only the portion of road between that place and Sandusky to be made. Future enterprise and industry, either individual or national, might complete the work, and it would equally promote the varied intercourse of peace and the important operations of war.

This view is prospective; but the time cannot be remote when the policy of connecting the dif-

Roads contemplated by the Treaty of Brownstown.

ferent parts of this vast Republic by great permanent roads will be felt and acknowledged—when such a policy shall banish local jealousies and discordant interests; shall furnish new and increased facilities for private industry; and shall add strength and wealth to the resources of the nation.

Fort and military positions along a remote and exposed frontier will furnish little protection, unless the communication to it is rendered easy and expeditious. A great leading road, such as the nature of this country requires, and the public good demands, would add more to its permanent security than any other defensive measure which could be adopted.

But there are considerations connected with the necessity of such a road in consequence of the nature of the country, of its importance to the nation for the preservation of a weak and important frontier, and of the improbability that such a road will ever be made unless some portion of the general resources are directed to this object. But, viewed exclusively as a subject affecting the revenue, there can be no doubt but its operation would be favorable.

From the settlements in Ohio to Detroit, nearly the whole country is the property of the United States. Every consideration, either of a fiscal or political nature, demands the immediate sale and settlement of this land, and every measure is important which will facilitate the acquisition of either object. Among these measures the most obvious in itself, and most certain in its result, is the opening of a leading road. In any country this would be important; in this country it is absolutely necessary. Sales will only be made with a view to settlements, and settlement will be aided and encouraged by making roads where the population of the country will long be unable to make them.

There is little difficulty in proposing a plan which would accomplish this object, and in all probability increase the actual receipts at the Treasury, after the expenditures which may be necessary in effecting it.

Previous to the sale of the public lands, were the site of a permanent well-made road located from the line of the tract recently purchased of the Indians to Detroit, and were the national faith pledged for its completion within a reasonable period, the competition excited among the purchasers to procure the land in the vicinity of this road would add greatly to its value. Any estimate upon this subject must be loose and conjectural; but when it is considered that this road would pass through lands the property of the United States for at least one hundred and fifty miles, a great part of which is fertile and susceptible of compact settlements, and much of which is equal to any land in Ohio, it cannot be doubted but it will enter the market with every prospect of obtaining a price far exceeding that fixed by law. It would not be necessary, in order to secure the desired object, that the work should be actually commenced; every purpose would be answered by determining the site of the road, and delaying its completion till sufficient funds for that purpose were received from the sale of the land.

We have travelled out of the proper object of our mission in bringing this subject to the attention of the Government, but we trust our excuse will be found in its vital importance to this section of our country, and in the consideration that, if the present opportunity passes away without producing any favorable result, we may consider as hopeless every effort to attain it.

Considered as the means of increasing the national strength, and of securing the possession of an important frontier, we are aware that it has no exclusive claim to the attention of the General Government; every section of the Union has an equal right to urge its claims. But there is probably none in which the expenditure of an equal amount would be productive of more important consequences; and certainly there is none which is weaker in itself, or more difficult, from its position, to be defended.

But when it is recollected that this whole road, from the line of the purchase, was made upon the frontier settlement of the Ohio to the Detroit river, and will pass through a country the property of the United States, except one Indian reservation, and a few tracts which have been sold or granted at Lower Sandusky, Fort Meigs, and the river Raisin, the effect of such a road upon the sale of the land is a fair object of inquiry; and, if it is believed that the receipts from the sales will be increased by it, or even if such a result is doubtful, the importance and necessity of the measure, connected with other considerations, may fairly justify its adoption.

No. 4.

Extract of a letter addressed to the President, in the Winter of 1818-'19, by the Secretary of Michigan.

The alleged intention of the Government to diminish the force at the military post at Detroit, would seem to imply that the importance of that position is not justly appreciated.

If it be a correct proposition that, in respect to all permanent military arrangements, foreign people are to be considered in the character of belligerents, then I consider that position, in point of importance, inferior to very few.

It juts far into the enemy's country, commanding the roads which, running parallel with the Thames, or the shore of Lake Erie, little diverging, pass through the rapidly increasing settlements of that part of the province of Upper Canada which extends from the head of Lake Ontario, and subjects the greater part of those settlements to the control of a large force at Detroit. The topography of that country, while it furnishes great facilities for the rapid advance of an American force through it, protects remarkably its retreat.

As a position opposed to an enemy's acting offensively, Detroit, in relation to the country opposite, is a *tête du pont*. All the principal roads of the British country, above the lower extremity of Lake Erie, lead to, and terminate at or near the settlement of Sandwich; the position at Detroit commands them.

A large force here, also, will always keep in check the Indian tribes which inhabit the penin-

Payment for Property destroyed by the British.

sula of Michigan, and, combined with other means, if it do not make them allies, will at least neutralize their hostility.

On this peninsula there must be full one thousand and Indian warriors. Mr. Crooks, Dr. Turner, and other gentlemen, estimate them to be more numerous.

The routes by which these Indians ordinarily, and almost necessarily, communicate with the British, are up the river St. Joseph of Lake Michigan, and down the Huron to the mouth of the Detroit; and, from the northern extremity of it, past the south extreme of Saginaw bay, to the heads of river Rouge, and over to the Huron, coming in at the same point, opposite Malden; a large military force here, consequently, cuts off this communication.

This position, combined with that of Fort Gratiot, commands the straits of St. Clair and Detroit, and not only secures the upper country against the influence of a British naval superiority on Lake Erie, but secures, also, the safety of that avenue through which supplies to the upper post must, of necessity, pass; for it is firmly believed that, without almost infinite hazard and expense, they cannot pass up the waters of the Mississippi. From Indiana to Chicago they cannot go, for, through the intervening wilderness and swamps, not even an Indian foot path has been explored; nor, without imminent danger, can they be passed from Fort Wayne, for Detroit in possession of the enemy, the whole peninsula, being a wilderness, would be an enemy's country.

As a point from which to invade the upper province of Canada, Detroit is then of importance; but as a shield of defence for the uncovered frontier of Ohio and Indiana, as the only pledge of security for the upper posts, and as a security against Indian hostility, its importance must be manifest.

Yet, without a strong military force, this important barrier may, at any time, be taken by a *coup de main*. Its inhabitants, as yet not probably exceeding about eight thousand, are located in one extended and incurvated line from Lake Huron to Lake Erie, not presenting at any point a very compact settlement. They have in their rear the Indians of the peninsula; on the one flank a dreary extent of lake and wilderness; on the other, an impervious morass, cutting them off from the population of Ohio; while, in front, good and practicable roads lead to them, up which the concentrating force of the enemy may at any time be brought to bear upon them. How inadequate, therefore, is the country to the object of its own protection! If the Government had not heretofore closed the doors of the country against a greater influx of inhabitants, its situation would be less precarious. Since 1807 the Indian title over a very considerable portion of the country has been extinguished, but, until about the close of 1818, none of it has been brought into market.

To the advantages indicated by this view of the subject, of locating a considerable military force near Detroit, is to be superadded the important one of protecting emigrants now coming in, and for the first time penetrating into the back country, from

the individual acts of hostility of wandering Indians. Such occasional acts of hostility are to be expected; they will be excited by interruptions upon their hunting grounds. And still further is to be added the advantage of giving effect to the project of making a road through the Black Swamp. This is a work which, without the national aid, will hardly be effected in very many years. The country between Fort Meigs and Sandusky cannot be settled until the swamp be drained; consequently, individual labor upon the road cannot be relied upon. The State of Ohio can hardly be expected to accomplish it; for, beyond that point, she has no citizens to protect; it forms her boundary in that direction. It must, therefore, be a national work—a work which, had it been effected before the late war, would have saved not only the degradation of a capitulated army, but also many millions of money.

It is very certain that a perfectly good military road may be made over this morass; it is equally certain that the greater part of it may be made capable of producing abundant crops. The very act of making a durable road over it will fit a considerable part of it for cultivation. The deep ditches which should be on each side of the road, leading into the many streams which would intersect that road, would drain a very considerable part of the land bordering it. This swamp is in general sufficiently elevated, consisting of a basin of hard clay, upon which is bedded a thick stratum of the most fertile black loam. The currents of the frequent streams which pass through it are rapid, and the height of their banks indicates that the general surface is not much depressed.

If the object of securing, by means of such a road, to the post of Detroit its military supplies, could be combined with that of inducing the settlement of the intermediate country, the advantage is surely worthy of notice, as it regards either the military or the fiscal concerns of the nation.

PAYMENT FOR PROPERTY DESTROYED BY THE BRITISH.

[Communicated to the House, January 12, 1820.]

DEPARTMENT OF WAR, Jan. 11, 1820.

SIR: In conformity with a resolution of the House of Representatives of the 23d ultimo, directing the Secretary of War to lay before that House the rules and regulations established by the Commissioner, and adopted by the War Department, in relation to the execution of the "act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," passed the 9th of April, 1816, particularly in relation to horses lost, I have the honor to transmit, herewith, the rules and regulations required.

I have the honor to be, &c.

J. C. CALHOUN.

Hon. H. CLAY, *Speaker House of Reps.*

*Payment for Property destroyed by the British.**Regulations for the government of the Commissioner of Claims, dated July, 1816.*

The act of the 9th April, 1816, authorizing the appointment of a commissioner for the liquidation and payment of claims for property lost, captured, or destroyed in the service of the United States, and for other purposes, having subjected the commissioner appointed under that act to such rules as the President shall prescribe for the government of his conduct, the President, upon due consideration, has been pleased to direct that all cases comprehended in the fifth class of claims under the said act shall be referred to the additional accountant of the War Department before any decision shall be made thereon, in order to ascertain whether the same shall not have been previously satisfied.

WM. H. CRAWFORD.

Approved: JAMES MONROE.

Supplementary regulations.

The evidence of officers of the late army, and the certificates of those now in service, taken under the original regulations prescribed by the Commissioner of Claims, must state whether any certificate or voucher in relation to such claim has been heretofore given, within the knowledge of the witness, or of the officer whose certificate is required. The claimant must also state, on oath, whether he has received any voucher, and account for its non-production where any has been obtained. In all cases, the name of the officer by whom the voucher was given, and its date, as nearly as can be ascertained, must be disclosed.

WM. H. CRAWFORD.

Approved: JAMES MONROE.

DEPARTMENT OF WAR, Sept. 7, 1816.

SIR: The President has been pleased to direct that the occupation of houses and buildings by the military force of the United States is embraced by the ninth section of the act "to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," and that compensation shall be allowed for damages sustained in consequence of such occupancy, in the same manner as if such houses and buildings had been occupied as a military deposite under the authority of an officer or agent of the United States. I have the honor, &c.

WM. H. CRAWFORD.

R. B. LEE, Esq., *Commissioner.*

DEPARTMENT OF WAR, Sept. 19, 1816.

SIR: In looking over some of the cases referred by you to the accountant, it has occurred to me that the public interest requires that some additional regulations should be made to guard the Government against imposition.

In some cases, the evidence discloses the name of the officer by whose authority the impressment of the property for which compensation is claim-

ed has been made; in others, there is no such disclosure. In the first case, where the original certificate of the officer, or his evidence, is not produced, it is but a reasonable precaution, to guard the public against imposition, that his testimony should be obtained. In the second, the evidence appears to me to be too loose to justify an award in favor of the claimant. The name of the officer by whose authority the property has been taken, with convenient certainty as to the time and place, should be disclosed, to enable the Government to obtain the benefit of his testimony. In some of the cases which I have looked into, the loss appears to have been sustained by the unauthorized depredations of the soldiers, and does not come within the provisions of the law.

The case of charges for attending to sick soldiers appears to me to be liable to the same objection. The witnesses in some cases swear generally to the fact of impressment, where it is difficult, if not impossible, to conceive how impressment could have existed.

Under all these circumstances, I have conceived it to be my duty to submit to the consideration of the President the propriety of directing that, in all cases of property impressed coming within the provisions of the law, the name and rank of the officer by whose authority it has been made shall be disclosed in the evidence, and that the testimony of such officer shall be obtained by the Commissioner, where it is practicable, before any decision shall be made in favor of such claimant; that the case of charges for attending sick soldiers, and the loss or destruction of property by the unauthorized acts of the soldiery, are not within the provisions of the law. In making this communication, I feel it my duty to observe that, in the execution of an act giving such extensive jurisdiction, under rules formed without experience, it would have been extraordinary if every difficulty had been foreseen and provided for in the regulations thus digested. In this, as in every theoretical essay, defects will necessarily be discovered in practice, which experience alone will be able to remove. I have the honor to be, &c.

WM. H. CRAWFORD.

R. B. LEE, Esq., *Commissioner.*

WAR DEPARTMENT, Oct. 21, 1816.

SIR: Pursuant to the eleventh section of the "act making provision for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," the President has been pleased to direct—

That the first and second sections of the said act do not embrace the case of officers of the regular army; and that the property which a regular officer may have taken with him in the service, or which he may have been required by law to keep, is not comprehended by the terms "impressed or by contract," used in the third section.

That the provisions of the third section extend only to losses resulting from the acts of the enemy, or from the failure of the Government to supply the necessary forage.

Payment for Property destroyed by the British.

That the ninth section of the act extends only to cases of destruction of property by the enemy which are justifiable by the laws of civilized warfare. That the occupation of houses or buildings as places of military deposite, or by an armed force, must be continued up to the time of destruction. That the occupation of houses or buildings by an armed force for a night, upon a march, is not within the meaning of the said section, unless in the immediate presence of an enemy. That no compensation, by way of interest, rent, or damages, can be allowed under the act for the time which elapses between the destruction of the property and the decision of the Commissioner. That the act does not extend to the case of consequential injury resulting from the destruction of houses or buildings under the ninth section. No compensation can, therefore, be allowed for the destruction of houses or buildings not occupied as a military deposite, or by a military force. That, in all cases of doubt, or of great importance, the Commissioner shall submit the evidence to the Executive before any decision is made.

WM. H. CRAWFORD.

R. B. LEE, Esq., *Commissioner*.

WAR DEPARTMENT, Oct. 30, 1816.

SIR: Your communications, dated the 25th and 28th of this month, have been submitted to the President, who has instructed me to say that the third section of the act to authorize the payment for property lost, captured, or destroyed, &c., will not justify the payment of claims for partial injuries to oxen or horses. I am also instructed by the President to request that you will suspend all decisions under the ninth section of the above-mentioned act until further advised.

I have the honor, &c.,

GEORGE GRAHAM.

R. B. LEE, Esq., *Commissioner*.

WAR DEPARTMENT, Sept. 27, 1816.

SIR: Pursuant to the ninth section of the act of April, 1816, for compensating claims for property lost, captured, &c., during the late war, the President has been pleased further to direct that, in cases of property alleged to have been impressed or taken by public authority for the use or subsistence of the Army, the name and rank of the officer by whom or by whose order such impressment shall have been made shall be disclosed in the evidence of the claimant, and no decision shall be made in his favor until the evidence of such officer shall be obtained in the case, unless it shall appear that such evidence cannot be obtained by the Commissioner. The President has also directed that the said act does not extend to cases of property destroyed by the irregular conduct of the soldiery, nor to expenses incurred by individuals in attending to sick or disabled soldiers.

WM. H. CRAWFORD.

R. B. LEE, Esq., *Commissioner*.

DEPARTMENT OF WAR, Dec. 16, 1816.

SIR: I am directed by the President to inform you that, under existing circumstances, it is thought proper that no final decision be made in any case now depending, or that may be exhibited, under the act, &c. You will, however, proceed to prepare and arrange all such cases for decision when it shall be deemed proper.

GEO. GRAHAM.

R. B. LEE, Esq., *Commissioner*.

DEPARTMENT OF WAR, Jan. 1, 1817.

SIR: I am instructed by the President to inform you that it is not deemed expedient to deduct from the amount which you may allow to any individual for the loss, capture, or destruction of his horse, such sum as may have been paid him for the use and risk of such horse. I have the honor, &c.

GEO. GRAHAM.

R. B. LEE, Esq., *Commissioner*.

OFFICE OF CLAIMS &c.,

Washington, March 26, 1817.

By the act passed on the 9th day of April last, entitled "An act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," all claims provided for by the said act must be presented at this office on or before the 9th day of April, in the year 1818; as, if not presented within that period, they cannot be received, examined, and decided on at this office.

First class of cases.

The claims provided for by the said act are, 1st. "Any volunteer or draughted militiaman, whether of cavalry, mounted riflemen, or infantry, who, in the late war between the United States and Great Britain, has sustained damage by the loss of any horse which was killed in battle, or which has died in consequence of a wound therein received, or in consequence of failure, on the part of the United States, to furnish such horse with sufficient forage while in the service of the United States, shall be allowed and paid the value of such horse." This provision comprehends three descriptions of cases:

1st. A horse killed in battle.

2d. A horse dying in consequence of a wound received in battle.

3d. A horse dying in consequence of not being furnished with sufficient forage by the United States.

To substantiate a claim of either description:

1. The order of the Government authorizing the employment of the corps to which the original claimant belonged, or the subsequent acceptance of such corps, or approbation of its employment, must be produced.

2d. The certificate of the officer or surviving officer commanding the claimant at the time of the accident on which the claim is founded, which certificate, if not given while the officer was in the service of the United States, must be sworn to;

Payment for Property destroyed by the British.

and, in every case, it must, if practicable, state the then value of the horse so killed or dying. Before any other evidence will be received, the claimant must make oath that it is not in his power to procure that which is above specified, and that the evidence which he shall produce in lieu thereof is the best which he is able to obtain. In every case, the evidence must be on oath, and the value of the horse so killed or dying ascertained. All evidence offered must be taken and authenticated in the manner hereinafter directed, and in all these cases, the claimant must declare, on oath, that he has not received another horse from any officer or agent of Government in lieu of the one lost.

Second class of cases.

"Any person, whether of cavalry, or mounted riflemen, or volunteers, who, in the late war aforesaid, has sustained damage by the loss of a horse, in consequence of the owner thereof being dismounted, or separated and detached from the same by order of the commanding officer, or in consequence of the rider being killed or wounded in battle, shall be allowed and paid the value of such horse at the time he was received into the public service." This class comprehends two descriptions of cases:

1st. When the owner has been dismounted, or separated and detached from such horse by order of the commanding officer.

2d. When the rider has been killed or wounded in battle, and the horse lost in consequence thereof.

The same evidence, in all respects, which is required in the first class of cases, will be required in this.

Third class of cases.

"Any person who, in the late war aforesaid, has sustained damage by the loss, capture, or destruction, by an enemy, of any horse, mule, or ox, wagon, cart, boat, sleigh, or harness, while such property was employed in the military service of the United States, either by impressment or by contract, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner, if it shall appear that such loss, capture, or destruction was without any fault or negligence of the owner; and any person, during the time aforesaid, who has sustained damage by the death of such horse, mule, or ox, in consequence of failure on the part of the United States to furnish sufficient forage while in the service aforesaid, shall be allowed and paid the value thereof." This class comprehends two cases:

1st. The loss or destruction of property by an enemy, taken by impressment or engaged by contract in the military service of the United States, being either a horse, a mule, an ox, wagon, cart, boat, sleigh, or harness, excepting articles for which the owners had agreed to run all risks, or which were lost or destroyed by fault or negligence of the owners.

2d. When a horse, mule, or ox, so taken or employed, has died from the failure of the United States to furnish sufficient forage.

In the first of these cases, the claimant must produce the certificate of the officer or agent of the

United States who impressed or contracted for the property above mentioned, and of the officer or surviving officer under whose immediate command it was taken or destroyed by an enemy. Such certificates, if such officers or agents at the time of giving them be not in the military service of the United States, must be sworn to, and must positively state that the property was not lost or destroyed through the fault or negligence of the owner, and that the owner did not agree to run all risks. Furthermore, the usual rate of hire of the articles so impressed or contracted for in the country in which they were employed must be stated.

In the second case, the certificate of the officer or agent of the United States, under whose command such horse, mule, or ox was employed at the time of his death, must be produced.

Before any other evidence will be received, the claimant must make oath that it is not in his power to produce that which is above specified; and, further, that the evidence which he offers in lieu thereof is the best which he is able to obtain. In every case, the evidence must state distinctly the time, place, and manner of the loss, and the value thereof.

Fourth class of cases.

"Any person who, during the late war, has acted in the military service of the United States as a volunteer or draughted militiaman, and who has furnished himself with arms or accoutrements, and has sustained loss by the capture or destruction of them, without any fault or negligence on his part, shall be allowed and paid the value thereof." This class comprehends two cases:

1st. The loss of such arms or accoutrements by the enemy.

2d. The loss of the same articles in any other way, without the fault or negligence of the owner.

This provision does not include the clothing of soldiers, or the clothing and arms of officers, who, in all services, furnish at their own risk their own. The same evidence in all respects is required in this as in the first class; and, moreover, that the loss did not happen from the fault or negligence of the owner.

Fifth class of cases.

"When any property has been impressed or taken by public authority for the use or subsistence of the army during the late war, and the same shall have been destroyed, lost, or consumed, the owner of such property shall be paid the value thereof, deducting therefrom the amount which has been paid, or may be claimed, for the use and risk of the same while in the service aforesaid."

This provision relates to every species of property taken or impressed for the use and subsistence of the army not comprehended in any of the preceding classes, and which shall have been in any manner destroyed, lost, or consumed by the army, including in its scope all kinds of provisions, forage, fuel, articles for clothing, blankets, arms, and ammunition—in fact, every thing for the use and equipment of an army. In all these cases, the certificates of the officers or agents of the United

Payment for Property destroyed by the British.

States taking or impressing any of the aforesaid articles, authenticated by the officer commanding the corps for whose use they were taken or impressed, and, furthermore, of the officers and agents under whose command the same were destroyed, lost, or consumed, specifying the value of the articles so taken or impressed, and destroyed, lost, or consumed, and if any payment has been made for the use of the same, and the amount of such payment, [must be furnished ;] and, if no payment has been made, the certificate must state that none has been made.

Before any other evidence will be received, the claimant must name the person taking or impressing such property, and show that it is impracticable to procure that which is above specified; and, further, that the evidence which he offers in lieu thereof is the best which he is able to obtain.

Under this provision, no claim can be admitted for any article which has not been taken by the orders of the commandant of the corps for whose use it may be stated to have been taken. For any taking not so authorized, the party's redress is against the person committing it.

Sixth (and last) class of cases.

"When any person, during the late war, has sustained damage by the destruction of his house or building by the enemy, while the same was occupied as a military deposite under the authority of an officer or agent of the United States, he shall be allowed or paid the amount of such damage, provided it shall appear that such occupation was the cause of its destruction."

In this case the certificate of the officer or agent of the United States, under whose authority any such house or building was occupied, must be furnished. Before any other evidence as to this fact will be received, the claimant must name the person under whose authority such house or building was occupied, and show that it is impracticable to procure such certificate, and that the evidence which he shall offer in lieu thereof is the best which he is able to obtain.

Furthermore, in all cases submitted to this office, every claim must be accompanied by a statement, on oath, by every claimant, of all sums which he may have received on account of such claim, from any officer, agent, or department of the Government of the United States; and where he has received nothing, that fact must also be stated on oath by him.

It will be particularly noted by claimants that the preceding rules of evidence generally and more especially apply to claims which shall not exceed in amount two hundred dollars; and that in all cases in which the claims in amount shall exceed two hundred dollars, a special commissioner will be employed to take testimony, but in these cases, as far as it shall be practicable, the same rules of evidence will be observed.

In all cases in which the officers or agents of the United States shall have taken or impressed property for the military service of the United States, which property so taken or impressed shall have been paid for by them out of their private

funds, or the value thereof recovered from them in due course of law, such officers or agents are entitled to the same remuneration to which the original owners of such property would be entitled if such payment or recovery had not been made, and can settle their claims at this office, producing authentic vouchers for such payment or recovery. Nor will any original claimants be paid through this office, till they release all claims against such officers or agents of the United States on account of such taking or impressment.

In every case no claim will be paid but to the person originally entitled to receive the same, or, in case of his death, to his legal representative, or, in either event, attorney duly appointed. When attorneys shall be employed, it is recommended to the parties interested to have their powers executed in due form.

All evidence offered must be sworn to (except the certificates of officers who, at the time of giving them, shall be in the military service of the United States) before some judge of the United States, or of the States or Territories of the United States, or mayor or chief magistrate of any city, town, or borough within the same, notary public, or a justice of the peace of any State or Territory of the United States, duly authorized to administer oaths, of which authority proof must be furnished, either by a certificate under the seal of any State or Territory, or the clerk or prothonotary of any court within the same. But the seal of any city, town, or borough, or the attestation of any judge of the United States, will require no further authentication.

By the law of the 3d of March, 1817, the various articles described in the third class of cases are to be paid for, not only on the contingency of their being "taken and destroyed" by the enemy, and, in the case of horses, mules, and oxen, on the contingency of their dying "in consequence of failure on the part of the United States to furnish sufficient forage," but whenever the loss shall happen from any other cause while the property was in the military service of the United States, "without any fault or negligence on the part of the owner," except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner.

By the first section of the last-mentioned law, it is also provided that the ninth section of the first-mentioned act, of the 9th of April, 1816, comprehending the sixth class of cases, "shall be construed to extend only to houses or other buildings occupied by the order of an officer or agent of the United States as a place of deposite for military or naval stores, or as barracks for the military forces of the United States." In all the cases arising under the ninth section, thus modified and explained, the facts established by the evidence in each case are to be reported "to Congress as soon as may be, that such provision may be made for the relief the respective claimants as shall be deemed just and proper."

It is earnestly recommended to claimants of every description to conform strictly to the directions contained in this paper. In all cases com-

Property destroyed by the British in Louisiana.

prehended in the fifth class of cases especially, the testimony of the officer impressing or taking the property cannot be dispensed with, unless it be proved to be impracticable to obtain it. In every case he must be named. It is also recommended to claimants to estimate their damages at the most reasonable valuation, as extravagant valuations create distrust, and in such instances, will compel the commissioner to resort to further investigation, and consequently will induce delay.

All persons who have business with this office are requested to address their letters to the subscriber as commissioner, which will be transmitted free of postage.

RICHARD BLAND LEE,
Commissioner of Claims, &c.

DEPARTMENT OF WAR, April 23, 1817.

SIR: Your communications of the 31st of March and of the 19th instant having been submitted to the President, I am instructed to inform you that the decision of the Attorney General in the case of Joseph Anderson, which excludes "houses and buildings" from the operation of the fifth section of the "act to authorize the payment for property lost, captured, or destroyed by the enemy while in the military service of the United States, and for other purposes," and which limits the terms used in that section to personal or moveable property as distinct from real estate, is not considered as extending to growing crops of grain, grass, vegetables, or growing timber, which may have been taken by public authority for the use or subsistence of the army—the act of taking in such cases implying a severance from the ground, and a consequent change in the nature of the property. The mere occupation of private buildings by troops for temporary accommodation, on a march for example, is not thought by the President to be such an occupation as would bring them within the meaning of the terms used in the first section of the amendatory act passed the 3d of March last, as a continued possession for some time would do; but as the cases arising under that section are all to be submitted to Congress, and not to this Department, for final decision, the President sees no objection to your acting on the construction which you have given to the words "as barrack" used in that section, because, Congress being in possession of the facts, each particular case will determine how far the temporary occupation of a building may make it a barrack. I have the honor, &c.,

GEORGE GRAHAM.

R. B. LEE, Esq., *Commissioner*.

LOSSES SUSTAINED DURING THE INVASION OF LOUISIANA BY THE BRITISH IN 1814-1815.

[Communicated to the House, March 22, 1820.]

Mr. WILLIAMS, of North Carolina, from the Committee of Claims, to whom was referred the bill from the Senate entitled "An act for the relief of Francis B. Longville," reported:

That the bill is intended to provide payment for property said to have been destroyed in the neighborhood of New Orleans during the invasion by the enemy in 1814-1815, and while in the occupancy of the troops of the United States.

In support of the claim is the affidavit of Richard Relf, Benjamin Morgan, and Peter Foucher, who state that, "after the retreat of the enemy, they were appointed by the quartermaster general, under an order from General Jackson, to ascertain the nature and amount of the damages caused to several persons;" that "they repaired to the country seat of Francis B. Longville, where, after a careful and minute examination of the premises, they have found and estimated the damages done to his real estate as follows:

Damages done to the dwelling-house, occupied as quarters by General Carroll	\$300 00
Damages to the store-house	25 00
The following buildings entirely destroyed:	
A corn-house	300 00
An out-house 27 by 25 feet	300 00
A kitchen and small house adjoining	150 00
A bake-house	350 00
A stable	50 00
15 acres of standing fence	385 00
32 acres post-and-rail fence	390 00
Total	\$2,250 00

General Carroll, in a letter to General Jackson, of the 4th of March, 1815, says:

"The owner of the plantation and house occupied by me as quarters during our stay at the camp below New Orleans has called upon me to certify the damages he sustained. I have barely to remark, that a fine garden, his out-houses, or a part of them, and all his fences were completely destroyed; his dwelling-house was much injured by seven or eight 18-pound balls passing through it."

There is no doubt but the injury sustained by the claimant has been very considerable, and, if entitled to relief, it may reasonably be doubted whether it is practicable to obtain more correct data from which to ascertain the amount than those which he has furnished.

This being one of a large class of cases, and of great apparent hardship, and which, in the opinion of the committee, do not come within any rule settled by Congress which would authorize an allowance; and the other branch of the Legislature having come to a decision in which the committee have not felt it their duty to concur, they have deemed it proper to present to the House somewhat in detail the views which they have taken of the question, and to which they have been led by the nature of their inquiries, connected with the events of the late war.

During the prosecution of that war, losses have been sustained by the citizens, of all the variety of character, and from as various causes and incidents as the most fruitful imagination could suggest; and, as they could be traced directly or indirectly to the events of a war declared and prosecuted by the Government, an opinion seems to

Statistical Accounts of Commerce and Navigation.

have been entertained that payment may rightfully be demanded from the Treasury to their full amount, whatever be their description, or from whatever cause produced.

That war having been the first which has occurred under the present Government, the effects of which have been felt to a very considerable extent, there is no settled rule of the country that can be referred to as a guide in adjusting the claims to which it has given rise; and, consequently, the rule which shall be applied to those claims will be regarded as the law of the country applicable to like cases in all future wars, and from which the Government cannot depart, to the prejudice of claimants, without furnishing just cause of complaint; for nothing can be more reasonable than that he who should have contributed to the relief of his neighbor should, in his turn, be relieved. And hence the necessity that, in deciding upon the claims incident to the late war, great care be taken that, while remuneration for individual losses shall be awarded to the full extent which a regard to the best interests of the country will justify, those interests shall not be essentially impaired by a desire to relieve from partial suffering.

It is believed that the interests of the people collectively would be best promoted should the Government limit its demands upon them to the sums necessary to meet the current expenses, provide for the common defence, and advance such other great national objects as are within its proper sphere of jurisdiction, and leave it to them to exercise their own discretion in selecting their situations and employments, without the hope of deriving any thing from the Treasury, except a just reward for services rendered, and a fair equivalent for their property directly applied to public purposes.

In the same proportion as the citizens are taught to look to the Treasury for support, they will relax in their exertions to acquire it by prudent care and industry; and, should it become the settled policy of the Government to remunerate for losses merely incident to a state of war, it would operate as an inducement to the citizens to seek for a ready market and a high price for their effects in losses of that description, rather than afford to them the best protection in their power; and, having secured such a market, a high price would follow of course—a circumstance which the Government having necessarily to decide upon, *ex parte* testimony can never guard against. Hence it is believed that it would not be expedient to remunerate for losses which shall have been incidental, and resulted from causes over which the Government has no control.

Were it practicable for Government, through the operations of the Treasury, to equalize the burdens of the people arising from a state of war, or other national calamity, much might be said in its favor; but such a result can never be effected. In the first place, human wisdom is totally incompetent to the adoption of any plan by which the true amount of such losses could be ascertained; and, secondly, the taxes on which the Government must rely to furnish itself with the means to satisfy the claims can never be made to fall equally upon

those who pay them; so that, after the most of which the Government is capable shall have been done, but little advance will be made towards an equality in the public burdens of this character.

Losses and sufferings resulting accidentally from a state of war will, at a given period, fall heavier upon one section of the country than another, and always unequally upon the citizens of any. But it may fairly be presumed that different large districts, taking a series of years together, will be subjected to nearly the same suffering; and it is believed it would be much better to leave it to the citizens to equalize their burdens among themselves, as their sense of propriety shall dictate, than for the Government to encourage them to look to the Treasury for relief, and thus subject the country to the unavoidable loss of time resulting from such a policy, with which there will always be associated a lamentable source of speculation and fraud.

If the views which the committee have taken of the subject be correct, it undeniably follows that the greater the extent to which the Government shall endeavor to equalize the burdens of the people resulting incidentally from a state of war, the more will the nation be impoverished; and hence it is believed that the permanent interest of the country will be best promoted by a policy which shall confine the allowances of Government within narrow, known, and well-defined limits.

The sudden invasion by the enemy at an unexpected point near New Orleans produced a retreat of the inhabitants, and the concentration of a large military force, mostly militia, equally sudden, and without any previous preparation; and hence resulted a general prostration of private property in the neighborhood, partly by the American troops, and partly by the enemy, and there can be no doubt but much of it was an unnecessary, useless waste, resulting not from the will of the Government or its agents, but from a state of things over which they had no control.

It is believed by the committee that a rule which would authorize an allowance in this case would produce to the country much more of evil than benefit; and, as the testimony does not satisfactorily show that the property for which the petitioner prays to be compensated was taken and used for the public service, they recommend that the bill be indefinitely postponed.

STATISTICAL ACCOUNTS OF COMMERCE AND NAVIGATION.

[Communicated to the Senate, December 20, 1819.]

Mr. SANFORD made the following report:

The Committee of Commerce and Manufactures have considered the official statements which have been hitherto made of the commerce of the United States with foreign countries, and the provisions which are requisite for obtaining complete and accurate statistical accounts of the foreign commerce of the United States, and they submit to the Senate the following report:

Statistical Accounts of Commerce and Navigation.

The exports and imports of the United States have been stated to amount, in value, to the following sums in the following years :

Years.	Total value of exports.	Total value of imports.
From August 1, 1789, to September 30, 1790	\$20,415,967	
From October 1, 1790, to September 30, 1791	19,012,041	
From October 1, 1791, to September 30, 1792	20,753,098	
From October 1, 1792, to September 30, 1793	26,109,572	
From October 1, 1793, to September 30, 1794	33,026,233	
From October 1, 1794, to September 30, 1795	47,989,472	\$69,756,258
From October 1, 1795, to September 30, 1796	67,064,097	81,436,164
From October 1, 1796, to September 30, 1797	56,850,206	75,379,406
From October 1, 1797, to September 30, 1798	61,527,097	68,551,700
From October 1, 1798, to September 30, 1799	78,665,522	79,069,148
From October 1, 1799, to September 30, 1800	70,971,780	91,252,768
From October 1, 1800, to September 30, 1801	94,115,925	111,363,511
From October 1, 1801, to September 30, 1802	72,483,160	
From October 1, 1802, to September 30, 1803	55,800,033	
From October 1, 1803, to September 30, 1804	77,699,074	
From October 1, 1804, to September 30, 1805	95,566,021	
From October 1, 1805, to September 30, 1806	101,536,963	
From October 1, 1806, to September 30, 1807	108,343,150	
From October 1, 1807, to September 30, 1808	22,430,960	
From October 1, 1808, to September 30, 1809	52,203,233	
From October 1, 1809, to September 30, 1810	66,757,970	
From October 1, 1810, to September 30, 1811	61,316,833	
From October 1, 1811, to September 30, 1812	38,527,236	
From October 1, 1812, to September 30, 1813	27,855,997	
From October 1, 1813, to September 30, 1814	6,927,441	
From October 1, 1814, to September 30, 1815	52,557,753	
From October 1, 1815, to September 30, 1816	81,920,452	
From October 1, 1816, to September 30, 1817	87,671,569	
From October 1, 1817, to September 30, 1818	93,281,133	

The exports are here given according to the official statements of the Treasury. The imports here stated for certain years are given according to unofficial estimates of their value.

The exports and imports of the United States for each year since the commencement of the present Government, in 1789, have been stated by the Treasury. The official statements are annually communicated to Congress, and are laid before the public. These statements set forth various matters concerning the exports and imports as facts. They have been accordingly regarded as the authentic source from which accurate information concerning our exports and imports may be derived, and as an official exposition of the state of our commerce with foreign countries. Every part of the statements bears the same stamp of authority, all parts of them are equally official, and all are given as equally authentic.

Are these statements accurate in the points which they represent as facts; and do they exhibit all the facts which should appear in statistical accounts of the foreign commerce of the United States?

All the matters set forth in the statements of exports and imports are furnished to the Treasury by the collectors of the customs. The materials received from the collectors are, at the Treasury,

compiled into the statements which are annually laid before Congress and published. The statements of exports and those of imports are rendered distinctly from each other.

The master of every vessel bound to a foreign place is required to deliver to the collector of the port from which the vessel is about to depart a manifest of all the cargo on board of the vessel, to state the value of the cargo and the destination of the vessel, and to verify the manifest and statements by his own oath. The collector thus obtains an account of the cargo, the kinds, quantities, and values of the articles of which it consists, and the destination of the vessel. The kinds and quantities of the exports are stated by the collectors, in most cases, as they are received from the masters of vessels; and by the Treasury, in all cases, as they are received from the collectors. Those values are, in some cases, the sums furnished by the masters of vessels; but, in most cases, they are valuations made by the collectors themselves.

The quantities of the exports are furnished by the master of the vessel; and they are sometimes given with considerable inaccuracy, either because the quantities are not accurately known by the master, or from want of care. But as there is, in general, no motive to misrepresent these facts, such

Statistical Accounts of Commerce and Navigation.

errors may be on the side either of excess or deficiency; and they may not much vary the total quantities stated. Where the articles are foreign products which are exported with drawback of duties, the exporter himself enters them for exportation. But this entry does not state the quantities of articles which pay ad valorem duties as imports. Where the articles pay specific duties as imports, their quantities are ascertained with entire accuracy by the entry of the exporter, and by reference to the importation. In all cases, except those of articles of foreign origin which are exported with drawback of duties, the quantities of the exports, as they are stated by the Treasury, are derived solely from the masters of vessels.

Where the exports are products of the United States, the species and quantities of the several articles are given in the statements; where the exports are products of other countries which paid specific duties upon importation, their kinds and quantities are stated.

Where the exports consist of merchandise of foreign production which paid ad valorem duties upon importation, no specification of the kinds, quantities, or values of particular articles is given in the returns of the collectors or in the statements of the Treasury. These articles are arranged under different heads, according to the rates of duty which they respectively paid as imports. All articles which pay the same rate of duty are placed in one class; and the total value of all the articles composing each class is given; but the kind, quantity, or value of any particular article is not stated.

Our exports of articles of foreign production have, generally, been great. In the three years preceding the 1st of October, 1799, and in the three years preceding the 1st of October, 1807, the exports of articles of foreign production considerably exceeded the exports of our domestic products. In other years, the exports of foreign merchandise have been more than one-third, and, in others, more than one-fourth of all our exports. At present, the exports of foreign merchandise are more than one-fourth of the whole exports. Of these exports of foreign merchandise, about one-third has generally consisted of articles which paid ad valorem duties as imports, have amounted, upon an average of the last twenty-three years, to more than nine millions of dollars for each year. From the present statements we know not what these exports paying ad valorem duties as imports really are. The exports of this particular class are important, not only from their amount, but also as including those foreign manufactures which enter into competition with our own manufactures in our own markets. It will be useful that we should know the kinds, quantities, and values of the principal articles of these exports with more distinctness than at present appears; and it will not be difficult to select from these exports those of the principal kinds, which are considerable in amount, and to state such parts of them separately, by their kinds, quantities, and values.

Where the exports consist of foreign goods which were free from duty as imports, the total

value of all these exports is stated in one sum, without a specification of the kind, quantity, or value of any particular article. The exports of some of these articles are considerable, and the kinds of the articles are not numerous. It will be easy to state either the whole of these exports, or those of them which are of considerable amount, by the kinds, quantities, and values of particular articles.

In determining the values of the exports, the collectors reject the valuation furnished by the master of the vessel whenever they think proper to do so, and make their own valuation, which they return to the Treasury. There is some diversity in the practice of different collectors in respect to the cases in which they substitute their own valuation for that of the master, and also in respect to the principles upon which the valuations of the collectors are made. The course pursued at some of the principal ports will be stated, and will show, in general, the methods by which the exports have been valued.

Where the exports are products of the United States, or products of foreign countries which pay specific duties upon importation, the valuation is generally made by the collector in the following manner: The valuation furnished by the master of the vessel is entirely disregarded. The current prices of each article at the port of exportation, during the whole quarter of the year in which the goods are exported, are collected from such information as the collector may possess or procure; and from all the different prices a mean value of the article is deduced, which is the same through the whole quarter. The average value of each article thus derived from the several market prices of the quarter, is the value assigned to the article by the collector during that quarter.

Where the exports are articles of foreign origin which pay ad valorem duties as imports, and are afterwards exported with drawback of duties, the value assigned to them as exports is the foreign cost of the articles, with an addition to that cost of twenty per centum if the goods came from beyond the Cape of Good Hope, and ten per centum if they came from any other place. This is the manner of valuing these exports at some of the principal ports. At some other ports, it appears that the valuation of these exports furnished by the master of the vessel is received, and returned to the Treasury without alteration.

Where the exports are articles of foreign origin which were free from duty upon importation, or were subject to ad valorem duties as imports, and are subsequently exported without drawback of duties, the valuation given by the master of the vessel is generally adopted by the collector, and returned to the Treasury.

Thus, the valuations of the exports which appear in the statements of the Treasury are made partly and principally by the collectors, and partly by the masters of vessels.

The principle established for the valuation of the exports by the ninety-third section of the act of March 2, 1799, is, that each article shall be stated according to its actual value at the port and

time of exportation. As the cargo is generally purchased at the port of exportation, and its value there may always be known, it seems to have been supposed that the true cost or actual value of the cargo would be always known to the master of the vessel, and that he would state the cost or value accurately to the collector. Hence, the only provision of law for obtaining valuations of the exports is that which requires a statement of the value of the cargo from the master of the vessel. But it is found in practice that the statements of values by the master are generally loose and uncertain, and often very incorrect. As the master is seldom the owner of the cargo, he is in general ignorant of the price paid for it, or its real value. The owner of the cargo, or the agent who purchases it, is not required to furnish any account of it, or to make any statement of its value. The master alone is required to state the value. He therefore states the value by conjecture, or according to such information as he may receive from the shipper; and the shipper is at liberty to give any information, or no information, upon that point. The oath, which is the only security for a true statement of the value, is required from the master, and not from the owner or exporter of the articles valued.

The collectors, in most cases, reject the valuations of the master, and make their own valuations. This practice, though a deviation from law, has probably tended to furnish valuations more correct than those of the masters of vessels, in all the cases in which the collectors have founded their valuations upon real market prices. But in the case of exports of goods of foreign origin, where the collector states the value of the exports at the foreign cost of the articles, with additions of ten and twenty per centum, a strange anomaly takes place. The collector rejects the master's valuation, not in order to adopt the market value of the articles, but in order to substitute a prior foreign price of the articles, with uniform additions of ten and twenty per centum. This mode of valuation is entirely artificial. It must, in general, represent these exports as worth considerably less than their real value here, since they are, in general, worth much more in our markets than the foreign cost, with the additions of ten and twenty per centum. The master's valuation, erroneous as it often is, would give the value of these exports more accurately than such valuations of the collector.

There are sufficient reasons to believe that the general tendency of the present methods of valuation has been, in some degree, to overrate the exports, and to state them somewhat higher than their real values at the ports of exportation. The degree of this exaggeration cannot be determined. It is, however, believed to be not very considerable. With some abatement for this excess, the valuations of the exports may be considered as nearly correct.

The statements of exports appear to show the foreign countries to which the exports are sent, the several countries are specified, and the amount exported to each is stated. This part of the state-

ments is generally regarded as showing the respective amounts of our exports received by different foreign countries. But the statements do not show, with certainty, the amounts of our exports received by particular countries; they exhibit merely the reported destinations of the vessels in which the exports depart.

The destination of the vessel and cargo is treated at the custom-house as a matter of no moment, further than to obtain the name of some foreign place to be inserted in the manifest and clearance. The master of a vessel bound from this country states at the custom-house any foreign place which he pleases to name as the destination of the vessel, and his declaration is received without further inquiry. The destinations, thus reported, are returned to the Treasury, and are there given in the statements of exports as the countries to which the goods are exported. But the true destination is sometimes concealed, to prevent competition in the commerce really intended; and when there is an apprehension of capture, a false destination may be announced, in order that it may appear in the clearance, if that document should fall into the hands of captors. When a true destination is given, it is frequently the first foreign port at which the vessel is intended to touch for advice and refreshments, while the real destination of the cargo is for some other country; or the ultimate destination may be contingently, for one of several countries, according to the state of the markets, or other circumstances. The destination may be changed after the clearance is obtained, or at any time after the vessel leaves the port of departure. It is not uncommon to declare the destination, and take a clearance for the West Indies generally. A clearance is sometimes taken for Europe, Asia, or Africa. In all such cases, the particular country to which the cargo is really destined is left uncertain; but it is principally in our commerce with Europe that the reported destinations do not truly show the countries which first receive our exports. Clearances for great quantities of our exports are taken for England, or for England and a market, and for Cowes and a market. Some of these exports are landed in England; but a great portion of them is carried to the countries on the European continent, and first landed there. England is a great mart, and is, in some respects, the centre of the commerce of Europe. In England information of the state of markets upon the continent of Europe may always be obtained. Our own commerce and mercantile connexions with England are great. The balance of our trade with England is uniformly and largely against us; and this balance is discharged principally by our exports to the European continent. The great capitals of the British merchants, and their mercantile connexions with every country in Europe, enable them to make advances or payments for our exports to any part of Europe, when those exports are placed under their control. These, and other causes, make England the channel through which we receive payment for a great part of our exports to the continent of Europe. In this course of things, very considerable quantities of our exports

which are carried to the continent of Europe, and first landed there, depart nominally for England, and are now stated as exported to England. Considerable quantities of our exports are also cleared for Gibraltar, and are stated as exports to Gibraltar. Nearly all these articles go into the Mediterranean, and are first landed in the different countries adjacent to that sea. Hence, our exports to England and Gibraltar have been swelled far beyond their real amount in the statements of exports. The true amount of these exaggerations cannot be known, but they are undoubtedly very considerable. In some other branches of our foreign commerce, in which it is known that the voyage is in general really that which is announced, we may rely upon the reported destination as sufficiently showing the foreign country which receives the exports. Without such a knowledge of the actual course of trade, we cannot rely upon any part of the present statements as exhibiting accurately the amount of our exports to any foreign country. The destinations are now reported by the master alone, with so much looseness and inaccuracy that this part of the subject is left in much uncertainty.

It is proposed that the exporter shall join with the master of the vessel in furnishing the account of the exports, and in stating their value and their true destination. This provision will probably prove sufficient to obtain accurate statements of the kinds, quantities, and values of the exports, and of their true destinations.

The statements of imports consist of certain materials which are brought into the Treasury by the laws imposing duties on goods imported into the United States, and regulating the collection of those duties. They present the facts which are ascertained for the purpose of levying those duties, and nothing more.

All the imports are either free from duty, or subject to duty; and those articles which are subject to duty are charged either with duty on the quantity, or with duty on the value. Goods free from duty have never been comprised in the statements of imports in any manner whatever. Such merchandise is entered at the custom-house, and landed, under permission, like goods subject to duty, but no return or account of it is given to the Treasury. There is, accordingly, a total omission of all goods free from duty in all the official statements of imports.

The statements of the Treasury present only the imports subject to duty. These imports are presented under the two general heads of "goods subject to specific duty," and "goods subject to ad valorem duty."

The kinds and the quantities of the imports subject to specific duties are ascertained by the officers of the customs. The statements of the Treasury accordingly present all the articles subject to specific duties with accuracy in respect to their kinds and quantities.

But the official statements present no valuation whatever of any of the articles subject to specific duties. These articles are not valued at the custom houses, or at the Treasury.

The imports subject to ad valorem duties are presented in a very different form. All articles which pay the same duty are consolidated into one mass, and the total value of that mass is given in the official statements. There is no specification of any particular article by name or description—no statement of the quantity or value of any single article; and it does not appear what particular articles, belonging to the class of those paying the same rate of duty, have really been imported or not. As many columns are stated as there are rates of ad valorem duties, and under each column the aggregate value of all the imports paying the same rate of duty, and nothing else, is stated.

The imports subject to ad valorem duties are valued at the custom houses. The foreign cost of the articles in the countries from which they come is first ascertained; an addition is then made to that cost of twenty per centum, when the merchandise is imported from any place beyond the Cape of Good Hope, and ten per centum when it is imported from any other place. These total sums, so composed, are returned to the Treasury as the values of these imports, and the same values are assigned to them in the statements of the Treasury. It thus appears—

1. That the imports free from duty are included in the statements.

2. That no account whatever is given of the value of the imports subject to specific duties.

3. That goods subject to ad valorem duties are not distinguished in their kinds, so as to afford any useful information; that their quantities are not given at all; and that their values are blended into certain gross sums, without showing the value of any single article.

4. That the valuations given to the imports subject to ad valorem duties, are made upon an erroneous principle.

But these points demand a more particular consideration.

The omission of all the imports free from duty is an obvious defect. A chasm of unknown extent is here left in the statements of our imports. The importance of this omission may be at once conceived by adverting to the catalogue of articles free from duty, and to the large importations of many of them which are known to take place. Copper, brass, tin, furs, hides, plaster of Paris, and the dying woods, without specifying other articles free from duty, form a very large amount of our imports. The true amount of the imports free from duty cannot be estimated with much accuracy, but a probable opinion of their amount may be formed. The amount of the exports of these articles is known, for, singular as it may be, the exports of these articles are given, though we have no account of the same articles as imports. The exports of articles which had been previously imported, and were free from duty as imports, are stated by the Treasury to have amounted in value to the following sums in the following years:

From the 1st of October, 1804, to the	
30th of September, 1805	- \$1,641,725
From the 1st of October, 1805, to the	
30th of September, 1806	- 2,383,910

Statistical Accounts of Commerce and Navigation.

From the 1st of October, 1806, to the 30th of September, 1808	- -	2,080,114
From the 1st of October, 1807, to the 30th of September, 1808	- -	370,341
From the 1st of October, 1808, to the 30th of September, 1809	- -	543,242
From the 1st of October, 1809, to the 30th of September, 1810	- -	1,322,023
From the 1st of October, 1810, to the 30th of September, 1811	- -	1,495,984
From the 1st of October, 1811, to the 30th of September, 1812	- -	586,180
From the 1st of October, 1812, to the 30th of September, 1813	- -	57,604
From the 1st of October, 1813, to the 30th of September, 1814	- -	953
From the 1st of October, 1814, to the 30th of September, 1815	- -	758,869
From the 1st of October, 1815, to the 30th of September, 1816	- -	1,448,548
From the 1st of October, 1816, to the 30th of September, 1817	- -	800,812
From the 1st of October, 1817, to the 30th of September, 1818	- -	1,790,035
Total amount of the fourteen years	-	<u><u>\$15 280,340</u></u>

These exports thus appear to have exceeded \$1,000,000 annually, upon an average of the last fourteen years. From the best means of judging which are possessed, it is estimated that the imports free from duty which have been consumed in the United States for the last fifteen years have amounted at least to \$4,000,000 annually. Our present consumption of these articles probably exceeds that sum. Assuming this estimate, and supposing that the annual exports of these articles amount to \$1,000,000, we must conclude that the total annual amount of our imports of articles free from duty is at least \$5,000,000. These articles, whatever may be their true amount, have never entered into the public statements of imports. Surely they are of sufficient importance to be known. They should have their place in the statistical accounts of our imports. They are not only as important as any other articles of equal amount; but, if any class of imports can be justly considered more important than another, it must be that which we invite to our country, by exempting it from burdens imposed upon the introduction of all other merchandise.

More than one-third of all the merchandise imported into the United States consists of articles subject to specific duties. The whole of this great mass of imports is presented without any statement of its value. The thirty-sixth section of the act of the 2d of March, 1799, regulating the collection of duties, requires valuations of imports subject to specific duties as well as of others; but, in practice, no valuation of these articles is made. As valuations of these articles are not necessary for any purpose of revenue, the object of the Legislature, in this provision, must have been to procure authentic valuations of these imports for the general purposes for which statistical accounts of imports are useful. The statements of these

imports, as they are now furnished, are in a great degree useless, for want of valuations.

More than one-half of all our imports are articles subject to duty on their value. These articles are stated in such a manner as, in effect, to give no information of the kind, quantity, or value, of any one article imported. Thus, we find in the statements, that the goods paying ad valorem duties at the rate of fifteen per centum, which were imported during the year ending on the 30th of September, 1817, amounted in value to \$14,082,903; and this is all we learn concerning those goods. If we inquire what those goods were, the statements afford no answer. We know, indeed, that the imports, which are subject to a duty of fifteen per centum on the value, are all articles which are not free, and not subject to any other rate of duty. We can, therefore, determine what those goods were not; that is to say, that they were not any of the articles which are either free from duty, or are charged with some rate of duty different from fifteen per centum. It is impossible to discover, from the statements, what those goods amounting to \$14,082,903 really were. If we desire to learn how much, either in quantity or value, of woollen cloth, or of any other article paying the same rate of duty with woollen cloth, has been imported, we search these statements in vain for that purpose. We know the rate of duty to which woollen cloth is subject, and we find the aggregate value of all the imports subject to that rate of duty amounted to a certain sum; but whether woollen cloth was or was not one of the articles imported and comprehended in this total value, does not appear. The aggregate value given in the statements may result from all, from one, or from any part of all the articles charged with the same rate of duty. The articles which belong to one class, as paying the same rate of duty, are very numerous, and the importations of the particular articles of each class are very different in amount at different times. The only conclusion concerning any particular article which can be derived from the statements is, that, if that article had been imported at all, its value is comprised in the aggregate value of all the articles which pay the same duty. It does not appear whether any particular article has been imported or not.

Among the imports subject to ad valorem duties are those which enter into competition with our own manufactures of the like articles; as, for example, the various fabrics of wool, cotton, and iron. Yet we are without any authentic information of the quantities or values of all these various manufactures which we receive from other countries. We know, in general, that the importations of these manufactures are great; and a deplorable proof that they are very great, is found in the ruin which they have brought upon many of our citizens who have engaged in similar manufactures. But this general knowledge, even when combined with all the particulars which they who are best informed upon this subject can communicate, affords no accurate account of facts. Do you ask how much, either in quantity or value, of manufactures of iron, of wool, or of cotton, is now im-

Statistical Accounts of Commerce and Navigation.

ported into the United States, or has been imported within any of the last thirty years? Your question is, indeed, interesting; but it cannot be answered by any official or authentic statement of our imports. It is peculiarly desirable that we should possess accurate information of the amount of imported manufactures in those cases in which our own consumption is supplied partly by the industry of our own citizens, and partly from foreign countries. The imports of this character involve a great question of national policy. As they are augmented or diminished, our own manufactures are depressed or relieved. It is now evident that some of the most important of our own manufactures require the aid of the Government to support them against the pressure of foreign competition.

Correct information of the kinds and amounts of these imports may be easily obtained. When goods subject to *ad valorem* duties are imported, the kind of each article is ascertained, in order to ascertain the rate of duty to which it is subject; and its value is ascertained, in order to ascertain the amount of the duty. The quantity of the article also appears from the invoice of the importer. The custom-house thus obtains an account of the kind, quality, and value of every import subject to *ad valorem* duty. But these facts are not given in the accounts returned to the Treasury. In those accounts, the kinds, quantities, and values of particular articles are not stated. All articles which pay the same rate of duty are placed in one class, and the aggregate value of the whole class is given. In the present practice of the custom-houses, no account of the quantities or value of particular articles is preserved. The invoice of the importer is returned to him after the amount of the duty is ascertained. But an account of the denomination of the article, its quantity, and its value, may be kept, and returned to the Treasury.

It is not proposed that a distinct account should be kept at the custom-houses, or given in the statements of imports, of the kind, quantity, and value of every article subject to *ad valorem* duty. This would be an extreme of minuteness, without utility. The articles subject to *ad valorem* duties comprehend the finer manufactures; and those manufactures are now so numerous, and so various in their denominations, that an account of the imports of each one of them by its peculiar denomination would be far too prolix. It is proposed to select from these imports such of them as are great in amount, and such of them as come into competition here with like articles manufactured in any considerable degree in the United States; and to state such imports separately from all others, and from each other, by their kinds, qualities, and values. Thus, manufactures of cotton, woollen manufactures, and manufactures of iron, are three great classes of imports which should be stated distinctly. Manufactures of flax, and those of silk, may also be stated separately. Some of these general heads may be susceptible of subdivisions, which would be useful; other particular imports, of sufficient importance to be distinctly known, should be separately stated. But it does not seem ex-

pedient to define the cases in which special statements of particular articles should be given, otherwise than by the general principles which have been mentioned. The application of those principles, and the selection of particular cases for statements, will most properly be left to the officers who compile the statements. Under a general direction, they will be able to determine the cases in which special statements will be useful, and to reach the judicious medium between too much uncertainty on the one side, and unnecessary minuteness on the other. When all the cases which are worthy of distinct statements shall have been selected, the residue of these imports may be stated in such aggregates or classes as may be convenient.

The imports subject to *ad valorem* duties are stated as being of the value of their foreign cost, with additions of ten or twenty per centum to that cost. These additions to the foreign cost are altogether artificial. They are prescribed by the acts concerning the duties; perhaps, in order to adapt the duties to the foreign cost of the articles, so as to levy the same revenue upon like articles, whether imported from Europe or from India. The same effect to the revenue would, however, be produced if the duty were ten per centum higher, and the European article were valued at its foreign cost merely, and the like article from India were valued at its foreign cost, with an addition of ten per centum. The same effect to the revenue would also result if the European article and the article from India were each, respectively, valued at their foreign cost merely, if the duty on the European article were at the same time ten per centum higher, and the duty on the article from India twenty per centum higher than they now are. The real and sole effect of raising the valuation is to augment the duty. It cannot be said that the foreign cost, when augmented by one-tenth or one-fifth of that cost, is the true value of the imports in this country. The true value of a thing can never be assessed and declared by law. It is always a fact depending upon the utility of the thing for the time being; or, in other words, upon the supply of the articles, and the wants of mankind. Whether, therefore, the legislator declares a permanent value of imports, as in England, or a variable value, with fixed and uniform additions, as here, he never determines the true value of any article. Such relations of value may, perhaps, be convenient as fiscal rules, because they may tend to render the duties equal, in effect, upon different importers; or they may serve to produce the amount of revenue intended to be levied; but they do not represent facts as they are. Nor can it be supposed that the imports from the countries beyond the Cape of Good Hope, when increased by one-fifth, and other imports, when increased by one-tenth of their foreign value, afford an average of their value here; or that these gross sums are a just equation of the values of these imports in this country. The fact is not so. The imports from beyond the Cape of Good Hope must be considered as, in general, worth here at least seventy per centum more than their foreign cost, and the

Statistical Accounts of Commerce and Navigation.

imports from Europe may be estimated to be, in general, at least thirty-five per centum more valuable here than in the countries from which they come. The duties alone upon a great part of these imports are more than ten and twenty per centum of their foreign cost. If the duties on these imports were added to the foreign cost, the sum obtained in that manner would approach far more nearly to the value of the imports here than the amount obtained by the fixed additions of ten and twenty per centum to the foreign cost. But, without regard to the duties, if there were any propriety in the idea of attempting to ascertain the true value of the imports here by fixed additions to the foreign cost, which might be equal to the additional value which the articles generally bear here, those additions should be far higher than ten and twenty per centum. It is evident that the official statements do not furnish the true value of these imports. If we seek to learn the value of the goods in the foreign countries from which they are brought, the statements do not give that fact. If we desire to know the value of the goods in this country, the statements do not afford that fact. The value assigned to the goods by the statements is an artificial result, never according with facts, unless by accident; but representing the goods as worth much more than their cost abroad, and much less than they are generally worth here.

But the additions of ten and twenty per centum may be deducted from the foreign cost of these imports. Undoubtedly this may be done. If it is proper that this should be done, then it is proper that these imports should be stated by the public officers at their foreign cost, without additions. Any person may, indeed, make the deduction from the amount stated, but not merely by a simple subtraction. It does not appear from the statements to what sums ten per centum is added, nor to what sums twenty per centum is added, otherwise than by reference to the particular countries from which imports are brought. These several countries are specified, with the amount imported from each of them. The imports which come from beyond the Cape of Good Hope may be selected from those which come from other places; the whole may be thus separated into two classes, and the total amount of each class may be obtained. When this has been done, it will be known that the first class is that which has received an addition of twenty per centum to its foreign cost, and that the second class is that which has received an addition of ten per centum to its foreign cost; and those additions may then be subtracted. But this resort to calculation must be unavailing to all who are not informed of the error in question, or know not the process by which it may be corrected. The liberty to correct errors is not sufficient. Every fact which is worthy of a place in statistical accounts should be so stated as to require no calculation to render it more true.

What, then, is the true principle upon which imports and exports should be valued? The question is thus stated because it is equally applicable to imports and exports, and to every part of both.

1. Commodities have different values in differ-

ent countries; and the object of foreign commerce is to obtain the higher value which an article bears in the country to which it is sent. Both the lower and the higher values are equally real, and both are facts which may be stated when they are known. The first or lower value, always belongs to the country from which the article is exported. The additional value may accrue to any country whatever. When an article is sent from one country to another, the price paid for it as an export is universally paid by the country which buys to the country which sells. The same article now arrives in the country to which it is sent. There, its value is much greater than the sum paid for it as an export. The additional value is there received; and it becomes distinguished in its application into two parts—the expense of transportation, and the profit of the merchant. Other facts, which may increase or affect the enhanced value, are here laid out of view. Freight and mercantile profit must necessarily be defrayed by this additional value. The expense of transporting the article, and some profit to the merchant, must both be obtained in the augmented value of the article; for otherwise nothing would be gained, and the commerce would not take place. The expense of transportation is paid to the country which carries the article; and the profit of the merchant is paid to the country to which he belongs. The expense of transportation is always paid to the country whose ships and seamen are employed in that service; and the navigation employed may belong to the country which sells the article to the country which buys it, or to any other country. The merchant who causes the article to be conveyed from one country to another may be a citizen or subject of either of those countries, or of any other country. When he sells the article in the country to which it is sent, whatever he receives beyond the sum paid for it and the freight is paid to the country to which he belongs; and he may belong to any country. When the navigator and the merchant both belong to the country which buys the article, that country pays for it nothing more than its first or lower price. In this case, the country buying the article pays, indeed, both the freight and the mercantile profit; but these sums are paid to that country itself; they are paid by the right hand to the left; they are paid by one class to another class of the people of the country buying; by the consumer to the navigator and the merchant; and they are all of the same country. The country buying pays, as a society, only the lowersum for which the article was purchased from the country selling. If the navigator and the merchant both belong to the country which sells the article, the country buying pays to the country selling the higher value of the article, including freight and mercantile profit. When the merchant and the navigator both belong to some third country, the country buying pays the additional value to that third country; and when the merchant and the navigator are of different countries, the mercantile profit is paid to one country, and the freight to another. It is therefore always certain that the country buying pays to the country

selling the sum paid for the article as an export, or the lower value which it bears at the place and time of exportation. It is not certain, from any valuation of the article, that the country buying pays to the country selling more than that lower value. The additional value is variously paid, according to the national characters of merchants and navigators; and these facts cannot be shown by any valuation of the article. The principle of valuation must be a uniform rule. If such a rule cannot exhibit the sums actually received and paid by the nation for exports and imports, it should exhibit those sums as nearly as may be practicable. The first or lower value of exports and imports are sums certainly received and paid; and those sums may be exhibited by valuations. If the higher values are stated, they will comprehend not only the lower values, which are uniformly paid by the nation buying, and received by the nation selling, but also the additional values, which are variously participated, as well between the nation selling and the nation buying as among other nations. The lower values and the additional values will then appear undistinguished in the gross amount of the higher values; and the valuations will not determine how much has been received and paid, either on account of the lower values or on account of the additional values. It is therefore proper that the valuations should express those sums which are uniformly and certainly received and paid by the nation for exports and imports; and that the additional values, which are variously and unequally received and paid among different nations, should not be included in the valuations.

2. The exports and the imports should both be valued by the same rule. If the exports are valued by one rule, and the imports by another, their values cannot be compared with each other. An exaggeration of one, or a depression of the other, must occur in the relation between them; and the uncertainty arising from this cause must defeat the utility of statistical accounts of values. The value of an imported article in the country from which it comes, and the value of the same article here, are both facts which may be ascertained; and either of these facts may be taken as the value to be given to the article in statistical accounts. But, though we can ascertain the values which our imports bear, either here or in the countries from which they come, we cannot ascertain the values of our exports in the foreign countries to which they are sent. The foreign cost of the imports is a fact which precedes the importation; and, having the imports under the control of our own laws and officers, we may ascertain that preceding fact. But the additional value of the exports in foreign countries beyond their value here is not within our reach; it is a fact which occurs after the exports are no longer subject to our control. We cannot institute legal proceedings in a foreign country to ascertain the value of our exports there; nor would it be proper to impose on the exporter the burden of returning proofs of the sales or value of his exports in a foreign country. Being unable to ascertain, by any suitable means, the foreign

value of our exports, we are, in effect, obliged to adopt and state their domestic value; and, as we take the value which the exports bear here in the country from which they are sent, we should also state the imports according to the value which they bear as exports in the countries from which they come. If the rule for the valuation of the imports should be their value here, and the rule for the valuation of the exports should be their value here, the results of rules so different would be very extravagant in their relation to each other. The higher value of the imports would stand opposed to the lower value of the exports. The imports would appear with the additions of freights and mercantile profits, while the exports would appear without such additions. The imports would be greatly swelled, or the exports greatly reduced, in their relation to each other; and no just comparison between the values of the exports and the imports could be made. Such would be the consequence of adopting the value of the imports here as the rule for their valuation, unless the exports were also stated according to their value as imports in the foreign countries to which they are sent. But, as we cannot determine the foreign value of the exports, we must state them at their value here; and this reason alone renders it necessary to state the imports at the lower value which they bear in the countries from which they come.

It is accordingly conceived that all the imports and all the exports should be valued at the prices paid for them, or their real values, at the times and places of exportation in the countries from which they are, respectively, sent. This principle is recommended, by its intrinsic propriety, as that which affords greater certainty than any other, by the necessity which allows no other rule applicable with like effect to both exports and imports, and by the consideration that this rule is already established for the valuation of the exports.

Returning to the statements of imports, it is seen that the only part of the imports which now receives an official valuation is valued upon a principle which is both erroneous in itself, and different from that by which the exports are valued.

What has been the amount of the imports of the United States in the several years since the commencement of the present Government in 1789? This inquiry cannot be answered. It is not answered by the official statements of imports. It cannot be answered by any official document. In the absence of authentic information, every person is left to compute the amount for himself, from such materials as he may possess, and according to such principles of valuation as he may adopt. Estimates of the amount may undoubtedly be made; and, when formed with care and judgment, they may be probable approximations to truth. Estimates of the value of imports of some of the last thirty years have been made and laid before Congress by officers of the Government. These estimates are official, as proceedings from public officers; and they are entitled to high respect. They were made by men of eminent talents and great knowledge, who were able to form and give just views concerning the subject of their

Statistical Accounts of Commerce and Navigation.

estimates. Still, they are mere estimates; and, to a great extent, estimates instead of ascertained facts. Other estimates of the imports of certain years have been made by other individuals. In the commencement of this report the imports of seven several years are stated, according to estimates of their value. These valuations are introduced here, because they have been considered as some of the most correct estimates of our imports which have been offered to the public. They were formed with great labor and care; and they are, undoubtedly, accurate results from the materials used, and the principles of calculation employed in the process. How far they afford a just statement of the value of the imports of these years will be seen when the materials and principles of calculation upon which they are founded are understood. The estimates for these seven years do not include the imports free from duty; and thus a part, equal to about a twentieth of all the imports, is omitted. The imports subject to ad valorem duties were here valued as they are valued in the official statements, with additions of ten and twenty per centum to their foreign cost. In respect to the imports subject to specific duties, as their value is not officially ascertained, it was necessary that the author of these estimates should himself assess the values of these articles. A vast mass of merchandise of various kinds, brought from all quarters of the world, in seven different years, was to receive valuations. The only practicable course was taken. The author of these estimates collected the current prices of the various articles, as those prices existed in some of the principal ports of the United States, in the different years of these importations. Taking those prices as the values, he computed the total value of the imports of each article in each year. In this manner, the values of the imports paying specific duties were assessed. The estimated values of the various articles, at different times and places, are not stated; and as the estimated amount only is given, no means of deciding how far that amount may be correct are afforded. If any different estimate of the value of these imports should be presented in the same way, it would be uncertain which estimate is more correct than the other. Hence, the credit due to all estimates which have been made of the value of this class of imports must depend upon the confidence reposed in the author of the estimates, who can only present such information as he may possess, and such probabilities as his own judgment may lead him to adopt. These estimates comprehend only imports subject to duty. They give the imports subject to ad valorem duties at their foreign cost, with additions of ten and twenty per centum. They give the value of the imports subject to specific duties, as that value was estimated to have been in the United States after importation. That value, of course, included freight, mercantile profits, and our own duties upon these articles. When the imports thus valued are placed in opposition to the exports of the same seven years, the contrast is remarkable. The imports appear to exceed the exports by great sums in each of the seven years. Upon the whole period of seven

years, the imports appear to exceed the exports by \$99,493,295; and the average of this sum for each year is \$14,213,327; and yet, from the general state of our foreign trade during these seven years, from the 1st of October, 1794, to the 30th of September, 1801, and from every source of information to which we can look, excepting only the public statements, in which the facts should be found, there can hardly be any doubt that the exports exceeded the imports in every one of those years. The solution of these differences is found in the different methods of valuing the exports and the imports. The exports are valued at their cost here, as exports; and, consequently, they do not include the sums which we have received for them beyond that cost. The imports are not valued upon the like principle; they are valued at their foreign cost, together with all the accumulations which are produced by the addition of one-fifth and one-tenth to the foreign cost of a part of the imports, and by the addition of freight, mercantile profits, and our own duties to another part of the imports. According to this method of valuing the imports, they will always appear to be greater than the exports, whether they are, in truth, greater or less. Yet these are some of the best valuations of our imports which are now extant; and this is the method in which these valuations were made.

In regard to most of the last thirty years, it does not appear that any estimate of the amount of the imports has been made.

The value of the imports is therefore unknown.

We are without any official account of their amount, and are destitute of satisfactory information upon that point; it is, consequently, impossible to make any just comparison between our exports and our imports. The correctness of every such comparison depends upon values; and no just comparison between exports and imports can be made, unless the values of both are ascertained as facts, and upon the same principle in both cases. Hence, all those statements now before the public, which represent that our imports have exceeded our exports by a certain sum, or that our exports have exceeded our imports by any particular amount, in any of the last thirty years, are exceedingly uncertain and delusive. In respect to most of those thirty years, it must always remain uncertain whether the exports or the imports were greater; and, in respect to the whole period, the amount of any excess which may have existed on either side, in any year, must remain unknown. For the same reasons, the balances of our trade with particular countries are unknown.

The imports of the last year are not yet stated. They probably amounted to one hundred millions of dollars. Of that sum, five millions may have been articles free from duty, forty-five millions articles subject to specific duties, and fifty millions articles subject to ad valorem duties. These proportions of the three classes of imports may not be exact; but they must be nearly correct, and they are offered merely to illustrate. When the imports of the last year shall be stated in the present forms, the result from the facts supposed will be, that the amount of five millions will not appear

Statistical Accounts of Commerce and Navigation.

in any manner whatever; an amount of forty-five millions will be stated by kinds and quantities, without any valuation; and an amount of fifty millions will be stated by valuations made upon an erroneous principle, without a designation of the kind, quantity, or value of any particular article.

The navigation employed in the foreign trade of the United States is a subject of great national concern. So far as that navigation is ours, it is to us a source of riches and power. So far as it belongs to other nations, its benefits are theirs. Navigation is, indeed, both wealth and power. It is important as wealth; but as power, it is indispensable to nations which desire to assert their rights, or display their strength on the ocean. The employment of shipping and seamen is a branch of national industry so peculiar in its character, and so important in its consequences, that it is worthy to be known with all possible distinctness, even if the exports and imports were not stated. Navigation must, therefore, be traced distinctly from exports and imports. The employment of shipping in foreign trade may be ascertained and shown by a very convenient method. The national character of the vessels employed, their tonnage, their departures for foreign countries, and their arrivals from foreign countries, may be all easily ascertained. These particular facts, when combined, show sufficiently the actual state of the navigation employed in foreign trade, and its division among different nations. They do not express the value of navigation in sums of money; but they show the several proportions of all the navigation employed, which are held by each nation whose vessels participate in the trade. The whole tonnage employed, and the several proportions of the whole, which belong to different nations, afford a sufficient knowledge of the subject for public purposes.

We have annual statements of the tonnage of the United States. These statements exhibit the amount of all the tonnage held by our own citizens. The principal division of this tonnage is into that which is authorized by law to be employed in foreign trade, and that which is authorized to be employed in the coasting trade and fisheries. The respective amounts of both kinds of tonnage are stated. The registered tonnage is that which may be legally employed in foreign trade. But these statements do not show how the registered tonnage is really employed. Coasting vessels are not allowed to engage in foreign trade; but registered vessels are entitled to engage not only in foreign trade, but also in the coasting trade. A very considerable part of our registered tonnage is actually employed in the coasting trade; but how much of it is so employed is not stated by the Treasury. These statements afford no information of the actual pursuits of our registered vessels, or that they are employed at all. From this source, therefore, we learn the amount of our tonnage which has the legal character requisite for engaging either in the coasting trade or in foreign commerce, but we do not learn how much of this tonnage is employed either in coasting trade or in foreign commerce.

We have also annual statements of the tonnage of all vessels arriving in the United States from foreign ports. These statements show the amount of tonnage of our own vessels arriving, and the amount of tonnage of foreign vessels arriving, in each year. This information has been usually communicated to Congress, in statements annexed to the statements of the customs. The tonnage arriving is ascertained for the purpose of levying the duties imposed on the tonnage of all vessels entering the United States from foreign ports. Those duties are charged upon the whole tonnage of the vessel as often as it arrives from a foreign port. When the same vessel arrives twice or thrice in the same year, the tonnage of that vessel is repeated twice or thrice in the total amount of tonnage arriving stated for that year. The tonnage employed in trade with the West Indies appears, in the tonnage arriving, three, and frequently four times in the same year. The tonnage engaged in the trade with Europe enters into the tonnage arriving generally twice, and sometimes thrice, in the year. The tonnage employed in our trade with the countries beyond the Cape of Good Hope is generally included in the tonnage arriving once in each year. In some cases, the tonnage does not appear in the statements of tonnage arriving, until the first, second, or third year succeeding the departures of the vessels from the United States. These statements, therefore, show the amount of tonnage upon which duties are levied; and they comprehend in most cases the tonnage of the same vessel more than once in the same year.

Such is at present our official information concerning the employment of navigation in our foreign trade. This information is considerable and important; but it does not present all the facts which are sufficiently important to be known.

The true amount of our tonnage actually employed in foreign trade is not exhibited by either of the statements which have been mentioned. It is not exhibited by the statements of registered tonnage, not only because the registered tonnage may be unemployed, but also because much of that tonnage is constantly employed in the coasting trade. It is not exhibited by the statements of registered tonnage arriving from foreign ports, because, in most cases, the registered tonnage is included in these statements more than once in each year, as the same vessel arrives more than once in the same year. The total amount of tonnage registered, and the total amount of registered tonnage arriving, upon which duties are paid, are the facts which are now stated. Neither of these facts shows how much of our tonnage is really employed in foreign commerce at any time.

We have the amount of our own tonnage arriving, and the amount of foreign tonnage arriving, which are considered as the tonnage employed in introducing the imports; but we have no statement of the amount or national character of the tonnage departing, which is considered as that employed in taking away the exports.

In the absence of any account of vessels departing, this defect seems to have been considered as

Statistical Accounts of Commerce and Navigation.

supplied by the accounts of vessels arriving. Every voyage of importation has been supposed to imply a corresponding voyage of exportation, and every arrival to indicate a corresponding departure. The same vessels are, in general, employed both in importation and exportation. As we have the tonnage of all vessels which enter the United States from other countries, the amount of that tonnage has been considered as the amount of the tonnage of all vessels which leave the United States for other countries; and as the amount of tonnage arriving is divided in the statements into the amount of our own tonnage and the amount of foreign tonnage, it has been supposed that the tonnage of our own vessels and the tonnage of foreign vessels bear the same proportion to each other in the case of departures as in the case of arrivals. The tonnage departing is thus deduced from the tonnage arriving; and the conclusion is, that they are both of the same amount. In pursuance of this conclusion, the tonnage arriving has been described in many statements which are before the public as the amount of our own tonnage, and of foreign tonnage employed in our foreign trade—an expression which comprehends exportations and departures as well as importations and arrivals.

The supposition that the tonnage departing and the tonnage arriving are of the same amount may be, in general, nearly correct, when it is applied to a considerable period of time; but it is by no means true that the tonnage departing and the tonnage arriving during any short period are equal to each other. In such periods as six months or a year there may be a great difference between the tonnage departing and that which arrives during the same period. The tonnage engaged in foreign trade varies greatly in amount from time to time. The proportion of our own tonnage to foreign tonnage also varies greatly from one time to another. As commerce fluctuates, so fluctuates the navigation which it employs. When the imports are much increased at any particular time, a quantity of tonnage may arrive greater than that which departs. When the exports increase, without a like increase of the imports, a quantity of tonnage departs greater than that which arrives. When we engage in a war which interrupts the ordinary pursuit of our navigation and commerce, the difference between the tonnage arriving and the tonnage departing may, in the first year of the war, be very great. In the first year of peace succeeding such a war, the tonnage departing may be much greater than the tonnage arriving. When wars between other countries open to our navigation new scenes of employment, much of our tonnage which is abroad may not return for a long time, or much of it which is at home may depart; and the tonnage arriving may, for some time, be much less than the tonnage departing. When such wars cease, our tonnage arriving may, for some time, much exceed our tonnage departing. When new regulations affecting commerce and navigation are established, they may for some time produce a great disparity between the tonnage arriving and the tonnage departing, or they may for some time produce a proportion between our own tonnage

and foreign tonnage, very different in the case of vessels arriving from the proportion which may exist in the case of vessels departing. These inequalities, by whatever causes they may be produced, are, indeed, not of long duration; and the general equilibrium between the tonnage arriving and the tonnage departing is, in the sequel, restored. But when such disparities between the tonnage arriving and the tonnage departing occur, they should be known without delay, since they always denote the operation of some new cause which must deserve attention. The tonnage arriving is stated for each year; and, without doubt, the tonnage departing during a year is frequently much more, and frequently much less, than the tonnage arriving during the same year. The proportion between our own tonnage and foreign tonnage is often very different in the case of vessels departing, from the proportion which appears between the two kinds of tonnage, during the same year, in the case of vessels arriving.

Our own vessels engaged in foreign trade are not comprehended in the tonnage arriving until they have left the United States and return from a foreign port. Much of our tonnage departing returns in the same year; but a considerable part of it does not return until the first, second, or third year succeeding the departure of the vessels. We have, therefore, no account in these statements of that part of our tonnage departing which never returns; and of that which returns a considerable portion does not appear in the tonnage arriving until some year subsequent to its departure. When our navigation employed in foreign trade is in a course of rapid increase, as it has generally been since 1789, the fact would first appear in the tonnage departing, if that tonnage were known. The foreign tonnage appears, in these statements, in the year in which it arrives. If the tonnage departing were stated, much of the foreign tonnage would appear as departing in the year subsequent to its arrival.

The tonnage necessary for the conveyance of our exports is far greater than that which is necessary for the conveyance of our imports. A great portion of our imports consists of articles of small bulk. Much the greater part of our exports of our own production are articles of great bulk. Our foreign trade, therefore, employs, not only so much tonnage as is requisite to introduce our imports, but also the much greater quantity of tonnage which is requisite for the transportation of our exports. If we ask how much tonnage is necessary for the transportation of our exports, the inquiry cannot be answered with any certainty. The quantity of tonnage actually employed in taking away our exports, in any particular year, has never been ascertained. It is still a problem how much tonnage has been actually employed at any time in the exportation of our own products, or how much tonnage is now necessary for that purpose. In the present state of our information, this question can be answered only by estimates. The conveyance of our own bulky products to other countries is a most important part of our foreign trade, in respect to navigation. A great quantity of tonnage, and

Statistical Accounts of Commerce and Navigation.

great numbers of seamen, are employed in this service. The freights received upon these exports are very great, both in reference to the value of the articles exported, and in absolute amount. We know, in general, that much the largest share of the navigation employed in conveying our exports to other countries is our own; but we do not know either the whole amount of the navigation so employed, or the actual partition of that navigation between ourselves and other nations. It is highly important that we should know with certainty the amount of the navigation employed in taking away our exports, and the proportions of the amount which are held by ourselves and by other nations.

For these reasons, it is proposed to ascertain and state the tonnage and national character of all vessels departing from the United States for foreign countries. When we have the tonnage and national character of vessels departing as well as of those arriving, we shall possess the amount of all tonnage employed in our foreign trade, and the amount of our own tonnage employed in foreign trade, so far as they can be conveniently presented by annual statements, and as nearly as will be useful for ordinary purposes. We can then compare the tonnage arriving and the tonnage departing with each other, and we can see the actual share of navigation which we possess, and that which foreigners enjoy, in the transportation of both our exports and our imports. We can then observe the increase or decline of the tonnage employed either in exportation or importation, and how far such changes may be favorable to ourselves or to foreigners; and we shall be able to trace fluctuations in the employment of navigation, as they occur in each year.

The statements of tonnage arriving distinguish it merely into that of the United States, and that which is foreign, or not of the United States. The amount of each of the two kinds of tonnage is stated. We therefore learn from these statements nothing more than the amount of all tonnage arriving, and the respective parts of the amount which belong to the United States on the one side, and to the rest of the world on the other. These statements do not show how much tonnage is employed in any particular branch of our foreign trade, as, for example, the trade with France. They do not show how much of the tonnage employed in any branch of trade, as that with France, is our own, or how much is foreign; and they do not show to what foreign nation any part of the foreign tonnage belongs. We do not learn from these statements either the amount of our own tonnage engaged in commerce with any nation or country, or the amount of British tonnage, or that of any other foreign nation, which enters or leaves our ports.

The returns of the collectors to the Treasury state the tonnage of every vessel arriving from a foreign port, and the country from which the vessel comes, and they also specify the national character of the different foreign vessels arriving. The materials for stating how much of the tonnage arriving from any particular country is our own,

and how much of it is foreign, are, therefore, already provided. Some statements of these facts, in certain branches of trade, have been laid before Congress upon particular occasions, but the annual statements show nothing concerning the tonnage arriving from any particular country.

When the particular country from which tonnage arrives is stated, that fact indicates, in some degree, that the same tonnage, when it departs, returns to the country from which it came; because such is the most general course of foreign trade. But this is never a necessary inference; and, in a multitude of cases, the vessel does not depart directly for the foreign country from which it came. While our trade with the British West Indies was carried on in British vessels, much British tonnage, arriving from Great Britain, departed hence for the British West Indies. This tonnage appeared as tonnage employed in our trade with Great Britain. It was truly so employed in the voyages of importation, but in the voyages of exportation it was employed in trade with the West Indies; yet this tonnage never entered into any statement of tonnage employed in our trade with the West Indies. When one of our own ships exports a cargo to Spain, it may, in return, import a cargo from England. Its tonnage now appears only as so much tonnage engaged in trade with England. The same ship may, after its arrival from England, be sent to Russia, and there is no account of this tonnage departing. If the same ship should return directly from Russia, its tonnage will appear in the tonnage employed in trade with Russia; but, if the ship should proceed from Russia to Holland, and should enter here from Holland, its tonnage will appear as engaged in trade with Holland, and there will be no account of this tonnage as engaged in the trade with Russia. The practice is, to enter the vessel as arriving from the foreign port from which the imported cargo is brought. Much of our own tonnage which departs for particular countries returns with cargoes from other countries. All this tonnage now appears at the custom-houses and the Treasury as tonnage employed in the trade with the countries from which the vessels arrived with cargoes, and nothing appears respecting the tonnage or employment of the same vessels in their outward voyages to other countries. When the tonnage departing, and the countries for which it departs, shall be ascertained, as well as the tonnage arriving, and the countries from which it arrives, the tonnage employed in our trade with each foreign country will appear.

Our trade with China is carried on in our own vessels, but the amount of tonnage employed in that trade is unknown.

Our trade with most parts of the world is carried on partly in our own vessels, and partly in foreign vessels, but we know not either the whole amount of tonnage employed in our trade with any particular country, or what part of the amount is our own, and what part is foreign. In all those branches of our foreign commerce in which the conveyance of our exports or imports takes place partly in our own vessels and partly in foreign ves-

Statistical Accounts of Commerce and Navigation.

sels, it is of great importance that we should know how much of our own navigation and how much foreign navigation are employed in the transportation. The cases in which the navigation is divided between ourselves and foreigners embrace far the greater part of our foreign commerce. It would, at all times, be useful to know the true share of navigation which we enjoy in trade with particular countries; yet this knowledge was, perhaps, less important while our system of discriminating duties was applied equally to all foreign countries. That system is now relaxed; we have relinquished it in respect to the British dominions in Europe, the Netherlands, Sweden, Prussia, Hamburgh, and Bremen. The vessels of those countries are now admitted into our ports upon the same terms as our own vessels. We should know how much of our own tonnage is now employed in trade with those countries, respectively, and how much of their tonnage now passes through our ports. These facts are not known; without them, we cannot estimate the effects of the present system of equal duties between ourselves and those countries; nor can we compare the effects of this system with the effects of the system of discriminating duties. The experiment of discriminating duties, operating equally upon all foreign countries, has been made, and with great effect, in favor of our own navigation. We are now in a course of opposite experiments. We have relinquished our discriminating duties in respect to Great Britain and certain other countries, which concede to us advantages supposed to be equivalent, while we retain those duties in respect to all foreign countries. The effects of both measures fall directly upon navigation. It is in the actual state of navigation as it may exist from time to time, and there only, that the effects of these different measures can be traced and seen. The experiment of open and common navigation, unfettered by preference or restriction, between some of the principal navigating countries of the world, is an interesting spectacle. To us, as one of the parties to this experiment, and possessing as we do a great navigation, and ample resources for its extension, it is a subject of peculiar concern. It is, therefore, specially important that we should possess the true state of navigation as it may exist between ourselves and those countries with which commerce is now equally open to the navigation of both parties.

When the tonnage of all shipping employed in our trade with particular countries shall be stated, we may estimate the value of the navigation employed in each branch of trade in reference to the length of the voyages performed. The benefits of navigation are in proportion, not only to the tonnage and seamen employed, but also to the time during which they are employed. The value of our trade with India and China depends much upon the great length of the voyages to and from those distant countries. The facts which are proposed to be stated will afford a view of the relative importance of the employments of navigation in the different branches of our foreign trade in this respect.

The returns of the collectors to the Treasury will specify the names, tonnage, and rational character of all vessels arriving and departing; and they will state the several foreign countries from which all vessels arrive, and for which all vessels depart. There will then be in the Treasury sufficient materials to show how many voyages are made by the vessels engaged in each branch of trade in one year, and how many times the tonnage of the same vessels enters into the statements of tonnage either arriving or departing in the same year. These facts are too minute to be inserted in the annual statements; but they are interesting, and they will be collected and preserved in the Treasury, from which they may be drawn upon special occasions. From these facts the exact amount of our tonnage actually engaged at any time in all foreign trade, or in our trade with any particular country, may be deduced; and from the same facts the number of seamen employed in all our foreign trade, or in our trade with any particular country, both in our own and in foreign vessels, may be sufficiently ascertained. The number of seamen usually employed in our vessels engaged in foreign trade has been estimated to be six men for one hundred tons of shipping. In this manner we may compute the numbers of seamen employed in any branch of our foreign trade, when we know the quantity of tonnage engaged in that trade; but such a computation must be founded upon the true quantity of tonnage actually employed in the trade. The annual statements of tonnage departing and arriving will, in most cases, comprehend the tonnage of the same vessels more than once in the same year; and, in some cases, the tonnage either departing or arriving will not enter into the statements of that year. The number of voyages made by the same vessels in the course of a year must therefore be known, in order to determine the true quantity of tonnage actually employed at any particular time, and the number of seamen requisite for that quantity of tonnage.

It is not meant that all the navigation which may pass between the United States and every foreign country should be stated separately in all cases. Where the intercourse between this country and any other is casual or inconsiderable, a distinct statement of the navigation employed in such intercourse would be of little use. Where the commerce between this country and any other is regular and considerable, a distinct statement of the navigation employed in it should be given. Our commerce with Great Britain, and that with France, Spain, Portugal, Holland, Russia, China, the British East Indies, Brazil, and the Spanish West Indies, are at present cases of this character. The propriety of stating the navigation separately in other branches of our foreign trade may be left to the officers who compile the statements. They will discern what branches of foreign commerce are of such importance as to render it useful to furnish separate statements of the navigation employed in those branches.

One peculiar case demands present attention. We have closed our ports against British vessels arriving from British ports which are closed against

Statistical Accounts of Commerce and Navigation.

our vessels. This regulation relates particularly to the British West Indies. It is a measure which was due to ourselves, and to a just sense of our own rights; and it should be so enforced as to give it complete effect. The British Government have opened the island of Bermuda to our vessels. This act of the British Government defeats, in a great degree, the intended effect of our law. A great trade, hitherto unknown, now takes place between the United States and Bermuda, partly in our vessels and partly in British vessels, and between Bermuda and the British West Indies wholly in British vessels. Thus, the intercourse which we intended to suppress takes place between the United States and the British West Indies, through Bermuda; the longest part of the transit is performed exclusively by British vessels; and even a part of the intercourse between the United States and Bermuda is carried on by British vessels. It is our duty to pursue our own measure to its full effect, and to adopt such further provisions as may be necessary for that purpose. But, while this intercourse with Bermuda is allowed to exist, the extent to which it takes place should be stated and known.

The official statements of exports give no information of the vessels in which the goods are exported. Those statements do not show whether the goods are exported in vessels of the United States or in foreign vessels.

The official statements of imports divide the imports subject to duty into those which are imported in our own vessels, and those which are imported in foreign vessels. Three distinct tables are given: first, a statement of goods imported in our own vessels; next, a statement of goods imported in foreign vessels; and, thirdly, a statement called a general aggregate of all goods imported in our own and in foreign vessels. The kinds and amounts of the imports are stated in each table; the countries from which the imports come are stated alike in the first and second tables; and, in the third table, instead of particular countries, each foreign nation and its dependencies are stated. These three tables are of great length. One table, with some alterations in form, would be sufficient, and would better exhibit the facts, which are now separated from each other in distinct statements. A single table, with three suitable columns, would show all the facts to the eye upon the same lines. The first column might show the amount imported in our own vessels; the second column might show the amount imported in foreign vessels; and the third column would exhibit the total amount of the two preceding columns. Such an alteration will be proper, if the imports are to be hereafter stated with this discrimination of the vessels in which they are brought. But this discrimination in the statements is of very little use when accurate accounts of the tonnage arriving are taken. The object of stating the imports with this discrimination is to show how far the navigation which introduces them is our own, and how far it belongs to foreign nations. These facts are indeed shown, in some degree, in this manner. Where the imports are free from

duty, these statements show nothing concerning the navigation which introduces them. When the imports subject to duty are brought from a particular country, wholly in our own vessels, or wholly in foreign vessels, those facts appear by these statements. But the same facts will also appear from the tonnage arriving, and with the additional advantage of showing the quantity of tonnage employed in the importation. In most cases where the imports come partly in our own vessels and partly in foreign vessels, these statements afford nothing certain in respect to the shares of navigation enjoyed by ourselves or by foreigners in the importations. A great variety of imports is presented, some of which are stated only by values, and others by kinds and quantities. These facts furnish very little information concerning the national proportions of the navigation employed in introducing these imports; and they form a very imperfect foundation for any calculation respecting the tonnage employed or the freights earned. The tonnage and freights depend upon the bulk of the articles transported. Where values only are given, we know nothing of the kinds or quantities of the articles, and of course nothing of the tonnage requisite for their transportation. Where the kinds and quantities of the articles are given, we may indeed estimate the quantity of the navigation, if we know the amount of tonnage requisite for the conveyance of the various articles in question. But every such calculation must be very complex; and all such estimates must be at last less certain and satisfactory than the plain proportions of the navigation held by ourselves and by foreigners respectively, as these facts are found in the tonnage arriving. If it were useful to know the particular goods which are actually conveyed in our own vessels and those actually conveyed in foreign vessels, such a knowledge would be more important in respect to our exports than in respect to our imports. But no such discrimination is made or will appear in the exports. It is conceived that this threefold statement of the imports subject to duty is not of sufficient use to be continued; and it is proposed that the imports shall be in future stated without this discrimination. This retrenchment will probably diminish the annual statements as much in point of volume as they will be increased by the addition of all the new matters which are now proposed to be stated. No general system for statistical accounts of our foreign commerce has ever been established by law. No officer of the Government is required by law to compile, to communicate to Congress, or to publish any thing upon this subject. All the statements of our foreign commerce which have been here mentioned have been rendered by the officers of the Treasury, either in compliance with resolutions of one or other branch of the Legislature, or without any requisition whatever. The Senate and House of Representatives have each separately adopted such resolutions as they thought fit, calling upon the Secretary of the Treasury for statements of exports and imports; and all the statements which the Treasury could furnish have been given. Some of these resolutions are perma-

Statistical Accounts of Commerce and Navigation.

ment, and require annual statements. The permanent resolutions of the Senate are of the 10th of February, 1796, and the 16th of March, 1796; those of the House of Representatives are of the 3d of March, 1797, and the 29th of May, 1798. The special requisitions which have been made upon the executive officers, on the part of each of the two Houses of Congress, for information concerning our foreign commerce, have been very numerous. If any proof were necessary to show either the importance of complete statistical accounts of our foreign commerce, or the poverty of our present information on this subject, that proof would be abundantly found in these unceasing calls for information concerning matters connected with our foreign commerce, which do not appear in the annual statements. At almost every session of Congress measures relating to our foreign commerce are agitated. Many of these questions are of the highest importance, and some of them are difficult, even with the clearest light of facts. If any facts are wanted, which do not appear in the annual statements, a call is made upon the executive officers; and, generally, upon the Secretary of the Treasury for information. The officer returns the best answer which he is able to give. Many of these answers have at different times been given with great ability, and they have served, in some degree, to supply the want of ascertained facts, by general views and judicious estimates. But, if all the material facts which compose our foreign commerce were ascertained and presented to Congress in annual statements, the estimates of executive officers would not be wanted; every legislator would then have before him the whole subject in authentic facts.

The annual statements of the Treasury have been here examined as statistical accounts of foreign commerce. Imperfect as they are in this view, their imperfections are not to be attributed to the officers of the Treasury; those officers have faithfully given the materials they possessed, and they could do no more. They have performed the duty which was imposed upon them by the resolutions under which they acted. In some respects, they have done much more. They have at different times, without any requisition from superior authority, made several very useful improvements in the forms of stating the exports. The materials concerning the exports are arranged and stated in the best manner in which they can be presented, as they are now returned to the Treasury. The annual statements concerning navigation are arranged and rendered in the best form which the present state of materials in the Treasury will permit. All the annual statements concerning tonnage have been rendered by the officers of the Treasury without any requisition for that purpose. To this time there is neither law nor resolution requiring annual statements of the navigation employed in our foreign trade. The principal defects which have been here detailed are defects of law. The executive officers have no power to obtain the facts which are requisite to supply those defects. Such a power can only be conferred by law. It is the province of the Legislature to establish such a sys-

tem as will supply the present defects, and bring forth all the desired information.

At present, the duty of preparing and rendering the annual statements of exports and imports depends merely upon the separate resolutions of the Senate and House of Representatives which have been mentioned. It is only in those resolutions that any account of the matters required to be stated concerning the exports and imports can be found; and those resolutions are very general and loose in their description of the facts which they require. The subjects which are proper to be stated should be defined by law; and the duty of compiling and rendering the annual statements should be imposed upon proper officers by law. A suitable and permanent system, adequate to the objects proposed, should be established. When this shall be done, a complete report of facts, showing the state of our commerce with every foreign country; and with all the world, in each year, may be annually laid before Congress.

The statements of exports, the statements of imports, and the statements of tonnage arriving from foreign countries, have been hitherto laid before Congress annually, but detached from each other, and at different times. It will be proper that the statements of exports, those of imports, and those of navigation employed in our foreign trade, should be laid before Congress in one body, and at the commencement of each annual session.

The present state of this subject will account for the method of this discussion. An existing system, sufficient in some points, but also defective in many respects, was to be examined. So far as it is sufficient, it required no comment. The proper course, therefore, seemed to be to point out and examine its defects. But this course of examination is deprived of the advantage of clear order. As many of the defects of the existing system are topics little connected with each other, so must be the parts of the discussion which examines them.

If we have statements of our foreign commerce at all, they should be both comprehensive and accurate; they should comprehend all facts which are really material for public uses, and they should be true in all matters stated as facts. Partial statements mislead, and erroneous statements deceive. The nature of the subject forbids us to expect entire accuracy in such statements. Perfect accuracy in these subjects is the shadow, which may be imagined, but cannot be touched; reasonable accuracy is the substance, which may be seized and presented in its just dimensions. Minute precision is not attainable, and, were it attainable, it would be without practical uses; but reasonable accuracy is sufficient for all practical uses, and reasonable accuracy is both necessary and attainable. Official statements will be taken for correct statements, and will be the foundation both of private reasonings and public measures. It may be better to have no official statements of foreign commerce than to have statements which are in any degree defective or erroneous.

According to the preceding views, a complete system for statistical accounts of our foreign commerce should embrace statements of these facts:

Statistical Accounts of Commerce and Navigation.

1. All our exports.
2. All our imports.
3. All the navigation employed in our trade with the rest of the world.

And these general heads should be stated in such details and divisions as to exhibit the following facts:

1st. The kinds, quantities, and values of exports and imports.

2d. The exports to every particular country.

3d. The imports from every particular country.

4th. All the navigation employed in our trade with each foreign country, distinguishing our own navigation from that of foreign nations.

The actual state of our trade with every particular foreign country would then appear distinctly; and the state of our foreign commerce would result from the several parts of the whole subject. Such statements would exhibit each branch of our foreign trade as one entire subject, both in respect to commerce and navigation; and the aggregate of all the particular branches of trade would exhibit the true state of our intercourse with all the world.

But, as much of this information is now afforded by the existing system, the particular amendments which are requisite to supply the defects of the present system are these:

1. That the accounts of exports furnished at the time of exportation, and the destinations of the exports, should be stated and verified, not only by the master of the vessel, but also by the owner or exporter of the articles.

2. That imports free from duty should be ascertained and valued.

3. That imports subject to specific duties should be valued.

4. That certain of the most considerable parts of the imports which pay duty on the value should be stated by their kinds and quantities as well as by their values.

5. That all the imports should be valued at their foreign cost.

6. That the national characters and tonnage of all vessels departing from the United States should be ascertained and stated.

7. That the national characters and tonnage of vessels, both departing and arriving, in the trade with each of the foreign countries with which our commerce is considerable, should be separately stated.

8. That all these facts should be properly combined with those which are now ascertained; and that the whole should be digested in suitable forms into annual statements; and

9. That a general and permanent system, providing for the attainment of the objects here proposed, should be established by law.

A bill embracing the provisions which are here recommended is now submitted.

Statistical accounts of foreign commerce are important, from the peculiar nature of intercourse between independent nations. Commerce between nations depends upon both parties, upon compacts between both, upon regulations which either or both may establish, and upon all the measures which the policy, the pleasure, or the passion of

rulers may lead them to adopt in respect to intercourse with other nations. Though the interests of all nations would be best promoted by allowing to commerce between them the full freedom which is allowed to the commerce of persons in the same society, it is vain to expect that this theory will ever be generally adopted and carried into practice. While Governments, seeking to obtain superior or exclusive advantages, will regulate and restrain foreign commerce, the Governments of other nations affected by such measures, even if they feel not the like motives, must assert their equal rights and protect their own interests. If there were no other cause of obstruction, the necessity of revenue, and the facility of obtaining revenue, by taxes levied through the medium of foreign commerce, will always be a great impediment to the natural freedom of trade between nations. Our system is, to a great extent, that of open and free commerce with all the world; but, in some of the most important branches of our foreign commerce, we are met by foreign prohibitions, restrictions, and regulations, which deprive us of our just share of the benefits of mutual intercourse. We are therefore compelled to seek relief from the effects of such foreign systems by treaties, or to counteract them by our own regulations. Hence a knowledge of the actual state of our trade with particular countries is exceedingly important. It is with particular Governments, and concerning particular branches of trade, that these collisions take place. The commercial regulations of any country may be known, but such regulations afford no information of the state and extent of the trade to which they are applicable. The effects of such regulations cannot be justly comprehended without a knowledge of the facts upon which those regulations operate.

Our foreign commerce is the means of vending our surplus products, which are great and valuable, and the means of procuring the products of other countries, which we desire for our consumption. It is a great source of wealth from the profits of trade and the employment of navigation, and it affords the means of great naval power. It is the principal source of revenue; it is at the same time a great impediment to the progress of our own manufactures; and it holds us in a certain degree of dependence upon foreign nations for the supply of our own wants. Shall our foreign commerce be cherished for the sake of wealth, naval power, and revenue; or shall it be restrained to promote domestic manufactures; to render ourselves essentially independent of the rest of the world for the supply of our own wants; and to avoid the collisions to which foreign commerce is exposed from the ambition, rapacity, and wars, of other nations? These are all great questions of national policy; and they present, to a certain extent, a conflict of opposing considerations. It is not the purpose of this report to discuss these questions. Whatever views may be taken of them by some, and whatever may be the opinions entertained concerning them by others, the knowledge of the facts from which these questions arise is equally necessary and important to all. The facts which compose our foreign

Horses lost in the Seminole War.

commerce must be the foundation of all reasonings and all conclusions concerning these questions. The present purpose is to provide authentic information of these facts. As our foreign commerce produces directly or indirectly most important effects upon all interests and classes of the nation, all are interested in that commerce; all are entitled to speculate and form opinions upon these questions; and every interest is entitled to a just protection from the Government of the whole. The Government has not only to judge, but to decide. Its decisions produce effects which are felt in every branch of public and private concerns. It is the common interest of all that our foreign commerce should be thoroughly known and understood. If our foreign commerce were, and could continue to be, perfectly free, it would still fluctuate with all the varying circumstances of the world; and information of its actual state, from time to time, would be highly interesting. But our foreign commerce will always be the subject of much legislation and many practical measures. The great questions and interests which are involved in our foreign commerce must always be a principal subject of the deliberations and measures of the National Government. The first requisite to wise legislation and judicious measures upon this subject must be the knowledge of the facts which constitute the subject itself.

Our foreign commerce is very great, and greater than that of any other nation, excepting one. This is not the place to discuss the importance of our external commerce, or to trace its connexion with our internal concerns. It exists, and it is closely interwoven with all the great interests of the nation. In whatever view it is considered, it is a subject of the highest moment. That the facts which compose this great subject should be known, will hardly be disputed. Without them, the subject itself cannot be understood, nor can the interests of the nation receive a judicious care. The power to regulate and protect our commerce with foreign nations is confided to this Government. It belongs to the same Government to provide authentic information of the state of that commerce. Let the facts, as they take place, be ascertained and made public to all. They deserve the attention of all, but more especially the constant and watchful attention of legislators and statesmen.

HORSES LOST IN THE SEMINOLE WAR.

[Communicated to the House, March 14, 1820.]

Mr WILLIAMS, of North Carolina, from the Committee of Claims, to whom was referred the bill from the Senate entitled "An act for the relief of the officers and volunteers engaged in the late campaign against the Seminole Indians," submitted to the House the following report:

The discussion of the principles involved in this bill at an early period of the session supersedes the

necessity for any very detailed remarks; the committee, therefore, merely suggest, with as much brevity as possible, the reasons which have induced them to recommend its indefinite postponement.

The bill presupposes a liability in the United States to pay for horses, which the committee are unwilling to acknowledge. The loss of horses for want of forage was one of the contingencies to be apprehended at the time they entered the service. In every country, in those best cultivated and most highly populated, a scarcity of food, both for man and beast, will sometimes be experienced. It is an accident or privation incident to the very condition of war. What, then, must have been the mutual understanding of the parties when the persons for whom the bill provides engaged in the service of Government? The act of Congress assured them they would be allowed forty cents a day for the use and risk of their horses. This sum they are entitled to claim, and, perhaps, in every instance, have already received.

The act further assured them they would be supplied with forage; but this, like every other promise, cannot be understood as obliging Government to act beyond the boundaries of reason and probability. It has been already stated that the want of forage is one of the contingencies to be apprehended in every country where military service is to be performed; if this be true in general, how much more so is it in regard to the particular country in which the Tennessee volunteers engaged to serve? It is unreasonable to suppose that Government could promise to supply them at all times with sufficient forage in a wild, uninhabited, and uncultivated country, when it is well known that it would be impossible to execute a similar promise in those districts of country where agriculture obtains in the highest perfection. The act of Congress must, therefore, be understood to mean that, as far as it was practicable, or even possible, for Government to supply forage, it should be done; not that it should be done at all hazards, in defiance of every accident or the most uncontrollable events.

The committee cannot judge of this principle assumed in the bill by any other rule. For whose benefit, let it be asked, was it that forage should be furnished? Certainly, for the Government. It follows, then, that, from a regard to its own interest, Government would have supplied forage whenever it was practicable; but to require payment now for losses occasioned by the want of it, goes to charge Government with culpable negligence; with having failed to perform its duty to itself. Such allegations cannot be supported either in principle, or by the facts which exist in the case. The letters from Dr. Bronaugh and Colonel Gibson, submitted to the committee with the bill, prove clearly that there was no negligence on the part of Government; that no exertions, however great, could have procured the necessary supplies. Will it then be said that Government should be required to perform impossibilities, or provide against events which the parties must be supposed to have included in the conditions of their con-

Horses lost in the Seminole War.

tract? For these reasons, the committee object to the principle assumed in the bill, and deny any liability in Government to pay for horses which died in the Seminole campaign for want of forage.

The bill further provides that, when owners were dismounted in battle, and the horses escaped, payment shall also be made. The committee think this is another of those risks anticipated and understood by the parties, and covered by the allowance of forty cents per day. It cannot be pretended that Government engaged that the riders should always remain on horseback, notwithstanding the incidents of any particular battle, or the general service of the campaign, should require them to be dismounted. The mounted gunmen, on the other hand, must be supposed to have stipulated that, either on horseback or on foot, they would engage the enemy; that they would fight in any way pointed out by their commander; and if, in rendering obedience to orders, their horses should be lost, the loss was to be considered only as a usual and customary result from the service in which they had stipulated to engage.

The policy of the measure is likewise very objectionable. Government cannot insure property thus engaged in the public service. Volunteers, mounted gunmen, and every other species of troops, would become negligent in taking care of their horses, if it be once understood that they are to be paid for them when lost. It would, indeed, be the interest of owners to preserve them till near the close of a campaign, receiving forty cents a day for the use and risk, and then, just before quitting the service, let them die by neglect, even when forage was plenty, or destroy them by hard treatment. The policy of giving forty cents a day consists in this: that, while owners are allowed reasonable compensation, they also have an inducement sufficiently strong to take care of their horses. But this inducement would lose all its force and effect if the horses are to be paid for when lost. If forty cents is not adequate compensation, Congress should augment it to sixty, eighty, or a hundred cents, rather than pass laws holding out inducements to owners to neglect or destroy their property.

Experience forbids the passage of the bill. The act of the 9th of April, 1816, commonly called the "claims law," the Canadian volunteer act, and the late act granting pensions to those who performed service in the Revolutionary war, have all been productive of serious mischief. They have opened the door for immoralities so great, that the committee will forbear to name them more specifically. It is believed no law of the kind could be so guarded in its provisions as not to be evaded in practice; and, if not absolutely required by the demands of justice, it should never be proposed.

Insurmountable difficulties are to be seen in administering the law. Who can tell whether a horse died for the want of forage, on account of disease, or from the neglect and inattention of the owner? The only risk assumed by Government in the act under which these troops were called

into service is, that if a horse be killed in battle, then the owner must be paid. The cause of this loss can be distinctly and definitely known, and therefore Government may safely assume the responsibility. But the total negation of all other risks on the part of Government proves clearly that the framers of the law conceived it would be bad policy to take upon themselves responsibility for losses, the cause of which could not be known, and which, perhaps, if properly understood, would, in nine cases out of ten, be found to exist with the owner rather than with Government.

The injuries sustained by the claimants are depended on as a reason to induce the passage of a law for their relief. But the committee think no injuries have been sustained. Information has been received from the Second Auditor of the Treasury Department, by which it appears that the rolls of four companies have reached that office; that the officers, non-commissioned officers, musicians, and privates, have received each forty cents a day for the use and risk of their horses, arms, and accoutrements, from the commencement to the termination of their services. The committee, therefore, feel authorized to state that the same rule was adopted in making payment to all the troops for whom it is intended to provide.

If, then, a horse died, when only one-third or one-half the campaign had expired, the owner received pay for him after his death, at the rate of forty cents a day. Without noticing the impropriety of paying for the use and risk of a horse after he was dead, the committee would remark that, under the operation of this rule, the owners of horses have received a sum fully equal to their average value, and, in most cases, perhaps, greatly beyond it. There is, then, no real cause of complaint. Had Government purchased the horses before they entered the service, the situation of the owners could have been no better than it now is; and surely there is not the least imaginable cause of complaint, provided they are placed on no worse footing than they would have been if their property had been purchased. At all events, if Congress should pass the bill, the committee would recommend that forty cents a day for the use and risk should be deducted from the time of the death of any horse. The bill itself presupposes and admits the fact that the horses died during the campaign, and, consequently, before the end of the campaign. But it appears the owners have received pay up to the end of the campaign, and therefore have been paid for the use and risk of their horses after they had died. The committee have never before been made acquainted with any principle which would sanction the propriety of paying for the use and risk of property when that property did not exist, could not be used, and was at no risk; all of which must have happened in the present case. It seems, indeed, that the claim of Government against these individuals is much more just than their claim against Government. The committee recommend that the bill be indefinitely postponed.

*Discriminating Duties on American Products.***DISCRIMINATING DUTIES ON AMERICAN PRODUCTS.**

[Communicated to the House, December 27, 1819.]

To the Senate and House of Representatives of the United States of America in Congress assembled :

The memorial of the Chamber of Commerce of the city of New York respectfully sheweth, that your memorialists have witnessed, with feelings of deep concern, the consequences resulting to the shipping interest of the United States from the discriminating duties established in France on the staple products of this country.

At the period of their imposition, and for a considerable time subsequent to the late war in Europe, the trade carried on by French vessels with the United States was chiefly confined to New Orleans and other Southern ports, whose productions constituted the principal exports from this country to France, whilst their interest in shipping is very limited; so that the effects of the enormous discriminating duties, payable on the importations into France of cotton and tobacco, in transferring to French vessels the carrying trade to that country, were not immediately perceived or felt by the ship owners or merchants in this quarter of the Union. But the severe losses sustained by those who employed our vessels in that trade have since led to an investigation of their causes, and created a universal feeling of the injury and injustice to which our flag is subjected.

In giving to this subject the attention which its importance demands, your memorialists find that the foreign tonnage duty and light money payable in the United States are very nearly equal to the foreign tonnage duty and port charges in France, and may therefore be considered as regulated upon the principle of a just and fair reciprocity; while the discriminating duties imposed on the importation of merchandise operate on the shipping interests of the two countries in a manner altogether disproportionate and unequal.

The foreign or discriminating duties paid by American vessels importing the following articles into France are, one and one-half cent per pound (French weight) on cotton; one and one-eighth on tobacco, and fifty-five per one hundred pounds on potashes; which extra duties exceed the whole freight now paid for the transportation of those articles from the United States, whether in French or in American bottoms.

The present rates of freight in French vessels are about one and one-eighth cent per pound for cotton; three-fourths for tobacco, and one-half for potashes; and, in American vessels, about one-third below these rates—making the difference of duty by a French vessel exceed the gross amount of freight, by an American vessel, at least one-third.

To form an estimate of the practical result of these regulations, it will be assumed that a vessel of 300 register tons burden will carry 560,000 pounds weight of tobacco, the difference of duty on which, at one and one-eighth cent per pound, would be \$6,300, which is equivalent to \$21 per

register ton; or, in a vessel of the same description carrying 280,000 pounds weight of cotton and 220,000 pounds weight of potashes—

The difference of duty, estimated at one	
and one-half cent on the cotton, is	\$4,200
And that on the potashes, at 55 cents per	
100 pounds, is	1,210

Would be, together	\$5,410
--------------------	---------

which is equivalent to \$18 per register ton.

The discriminating duties chargeable on the three articles above enumerated, which constitute the bulk of our exports to France, form an aggregate much greater than the foreign duty of ten per cent. payable in the United States would amount to, if calculated on the whole importations from France; and the experience of the last two years confirms what indeed is sufficiently obvious from the preceding statement, that a perseverance in the present regulations of our intercourse with France must operate to exclude American vessels from all participation in the carrying trade connected with it.

Your memorialists, in earnestly soliciting that the attention of your honorable body may be engaged in devising some remedy for an evil so serious and alarming, beg leave to suggest their conviction of the utter inefficacy of any system of countervailing discriminating duties to be levied on the importations into the United States of French merchandise, inasmuch as the articles which would be the necessary objects of such duties bear no proportion in their bulk and in the price of their transportation to those which form our exports to France. And the course of the colonial trade, moreover, enables French vessels to avoid the inconveniences of performing the voyage across the Atlantic in ballast, by taking a freight from the ports of France to those of her colonies, and then turning their course advantageously to our ports, either in ballast or with colonial produce; while our vessels generally return direct from France in ballast, or only with inconsiderable loadings.

To exhibit in its proper light the importance of the subject under consideration, it will be necessary not only to advert to the actual amount of tonnage employed in the transportation of our produce to France, compared with the aggregate tonnage employed in foreign trade generally, but also to take into view their future relative proportions, when our trade to France shall have received all the extension of which it is susceptible by the progressive increase in the cultivation of our Southern products, and when our shipping shall have experienced the reduction it is to suffer by the effects of the further development of the actual state of our foreign commerce.

It would be superfluous to enter into details to show how extensively, and almost entirely, all the sources of that commerce are cut off. It is a lamentable fact, that more than half the number of vessels lately arrived in this from foreign ports are dismantled, from the absolute absence of any advantageous object of commercial pursuit. And this state of commerce seems the natural and ne-

Discriminating Duties on American Products.

cessary result of the new order of things which has prevailed since the pacification of Europe. Every restraint that lately shackled the navigation of the principal maritime nations of Europe has been removed, whilst the general trade and navigation of those States are, at the same time, regulated with a studious regard to the interests of their own subjects; so that the United States have not only ceased to be the carriers for Europe, but are deprived of the means of entering into a fair competition in the transportation to foreign countries of the principal products of their own soil.

It would seem obvious that, during the continuance of a state of peace in Europe, the great elements of our commerce in that quarter of the globe will be confined to the exchange of our products for such articles of foreign production as may be required for home consumption.

The quantity of American cotton, tobacco, potashes, and other staples now consumed in France, cannot be correctly stated by your memorialists, but they presume it to be equal to a fourth of the whole quantity exported to Europe. The aggregate tonnage employed last year in the direct trade from the United States to France is estimated at fifty thousand tons; in addition to which, an indirect trade of considerable extent has been carried on through the circuitous channel of England. (The saving on the duties by reshipping our cotton and tobacco thence to France in French vessels, instead of shipping them direct from the United States in American vessels, being more than equivalent to the extra freight and charges attending the additional voyage.)

If we limit our views of this carrying trade to the employment of 50,000 tons of shipping, the freight out and home, calculated at \$20 per ton, amounts to \$1,000,000; which sum, if gained by our vessels, might justly be considered as so much capital added annually to the stock of national wealth.

However small the net profit may be to the ship owners on this amount of freight, the disbursements for the equipment, and the wages for the navigation of the vessels, would be left at home; and, together with the employment it would require of so large a body of seamen, would materially conduce to create and maintain the elements necessary to advance our commercial and naval interests.

The act of Congress offering to foreign nations the means of a free intercourse with this country, on terms of perfect reciprocity, has not, as is believed by your memorialists, been found as beneficial in its operation as was justly to have been expected.

Those nations whose acceptance of the invitation it held forth might subserve the views and interests of the United States are found to remain passive; while Holland, Sweden, Prussia, and the Hanseatic Towns, adopting the principle of reciprocity, secure to themselves an important exemption in our ports, without affording any privilege in theirs not before enjoyed by the United

States, and, in fact, gratuitously granted to every other nation.

Until lately we found some advantages in our commercial relations with the possessions of the King of the Netherlands by participating in the trade to the colony of Java; but now, heavy discriminating duties are laid to confine all the advantages of that trade to Dutch vessels. Your memorialists do not notice this circumstance as requiring the application of any remedies within the purview of this memorial, but to show the progressive extension on the part of the European Powers of a system of absolute colonial monopoly, and to evince the necessity of devising means to counteract the growth of that system by some vigorous effort on the part of our Government.

Louisiana was acquired by the United States in her colonial state, and the monopoly of her extended and growing trade would be more valuable than that of any two colonies whatever; and the Floridas, if they passed from their present abandoned and miserable condition to be integral parts of the Union, cannot fail, by the quickening influence of our free institutions, to open vast resources of trade, and may add to the list of our present exports even the articles of sugar and coffee, hitherto deemed exclusively colonial.

The liberal policy of the United States in opening to all nations a free trade to the vast marts of their colonial acquisitions ought, it would seem, to entitle them to some corresponding privileges from those nations, at least, who participate largely in the benefits of that trade; but no such reciprocity has been experienced, nor, as the result of gratuitous concession, is it to be expected.

In reference to the oppressive discriminating duties on the importation of American products into France, which it is the principal object of the present memorial to bring under the notice of Government, your memorialists take leave most respectfully to suggest that they can devise no expedient more likely to produce a favorable change in the present system of the French Government, nor better calculated to enable the citizens of the United States successfully to resist it if persevered in, than the imposition of a heavy tonnage duty; and at the same time no measure appears to your memorialists so consistent with the general policy of the United States.

Referring to the statement already made, exhibiting the effects of the discriminating duties in France on cotton, tobacco, and potashes, considered as a tonnage duty on American vessels, your memorialists leave to the superior wisdom of Congress to determine, on a full consideration of all the circumstances connected with the case, what tonnage duty should now be imposed so as to make this a fair and effective countervailing measure.

Your memorialists, considering moreover that some new provision is necessary in order to render beneficially operative the act of Congress which offers to foreign nations the means of commercial intercourse upon the principle of reciprocity, respectfully suggest that this duty should be made to apply to all nations which shall not adopt that principle.

Discriminating Duties imposed on American Products.

A general regulation of this nature, while it would violate neither the letter nor spirit of our treaties with France, appears to be equally expedient in reference to other nations.

Spain, for instance, besides imposing, as is believed, discriminating duties on the articles of our exports imported into the mother country, exacts most excessive extra duties on provisions imported by American vessels into her colonies. Among others, that on the article of flour amounts, in Cuba, to \$3 37½ per barrel. The regulations of trade in the ports of the Spanish colonies are such as not to place the intercourse with them under any of the restrictions contained in the navigation act; and thus, while this trade remains open to both nations, the discriminating duties imposed on those colonies must operate to transfer it altogether to Spanish vessels as soon as their flag can navigate securely.

Your memorialists are persuaded that a measure like the one proposed, could produce no injurious effects upon the agricultural and commercial interests of the United States, by abridging in foreign markets the sale of their produce.

The prohibitory regulations of different Governments prove, that the want of our provisions is the only security we now enjoy for their admission into foreign ports; and, wherever this want exists, they will continue to be received, direct, or by intermediate ports.

The principal articles exported to France are so essential to the supply of her manufactories that they cannot be dispensed with; so that, if a system of commercial regulations could be supposed to exist, operating to prevent a direct exportation of those articles to that country, its whole supplies of cotton and tobacco must be derived through the circuitous channel of England, (as has been partially practised for the last two years,) or through some of the neighboring ports of the Continent; and, in either case, we should at least partake in the advantages of their transportation across the Atlantic.

The right of the citizens of the United States to participate, on equal terms, in the advantages to be derived from their commercial intercourse with foreign nations, appears to your memorialists to be indisputable; and they appeal with confidence to Congress for such interference on their behalf as the public policy may justify.

Although it may be questionable whether, in a case like the present, it would comport with the dignity of the nation to offer any considerations to foreign Powers, in order to obtain a just reciprocity of commercial benefits, yet your memorialists take leave to suggest the expediency of holding out to France some further encouragements to the consumption in the United States of French wines and silk manufactures.

Encouragements of this nature, if not required as an inducement to France to place the regulations of her trade with this country on a more equal and just footing, may possibly be used to obtain some relaxation in her colonial restrictions, and induce the repeal of the late order directed to the national tobacco manufactory in France, which

restricts the employment of the foreign growth of that article to the proportion of one-sixth part for five-sixth parts of domestic growth.

It is true, in reference to the article of wines, the duty on which is now sufficiently reduced, the United States could, in the way of inducement to France, only assure to her the continuance of that reduction; but, in regard to silk manufactures, the imposition of additional duties on the same articles imported from China might be adopted as a measure of reciprocal advantage.

It would certainly be of great importance to France to check the immense importations from China of silk goods in imitation of French fabrics; and, considering the heavy drains of specie from the United States, which are caused by the prosecution of the trade to China, it would at least be equally advantageous to us to receive the same articles from countries where they can be obtained in exchange for our own products.

Your memorialists are anxious to maintain the national prosperity, and would discredit the unreasonable clamor of desponding and embarrassed traders; but the foreign commerce of this country, at the present period, is so rapidly declining, and its shipping interest so particularly depressed, that they feel themselves constrained to declare their firm conviction that both must dwindle into comparative insignificance, unless the measures of foreign Governments operating to deprive this country of an equitable participation in the benefits of its commercial intercourse with them, shall be promptly met and counteracted.

Under a deep impression that the prosperity of the nation is intimately connected with the prosperity of its commerce, and that the rising hopes of its future naval power are essentially dependent on the maintenance of its navigation, your memorialists have thought it a duty they owe the community to submit these considerations to the wisdom of Congress, humbly praying that they will afford such relief in the premises as the nature of the case may require.

WM. BAYARD, *Pres't.*

JOHN PINTARD, *Secretary.*

COUNTERVAILING MEASURES AGAINST THE DISCRIMINATING DUTIES IMPOSED BY FRANCE ON AMERICAN PRODUCTS.

[Communicated to the Senate, January 4, 1820.]

To the honorable the Senate and House of Representatives of the United States, in Congress assembled:

The memorial of the undersigned, captains of American vessels lying in the port of New Orleans, respectfully sheweth: That your memorialists, representing also the officers and seamen of — hundred — vessels lying in this port of New Orleans, (which they are in the habit of frequenting,) have experienced for the last two years an alarming decrease in the American shipping business previously employed in the trade hence to French ports.

That the means of procuring a comfortable live-

Discriminating Duties imposed on American Products.

lihood from the profession exercised by your memorialists, being identified with the general prosperity of the shipping interest of the Union, imboldens them to set forth in this memorial the loss it is suffering from the fatal influence of the discriminating duties established in France to favor its own vessels in the exclusive importation there of the great staples of the United States, the progressive evils of which influence your memorialists have painfully witnessed for the last two years in silence, from the expectation they (and no doubt their ship owners also) entertained that a commercial treaty was negotiating, which, at least, would have established the intercourse between France and the United States on the same footing on which it exists as regards England and other countries that have adopted the liberal system to which Congress has invited all nations.

Your memorialists propose to prove, by inconsistent facts—

That the difference of duty in France paid by American and French vessels on the articles of cotton and tobacco, is more than the whole freight now paid on the same hence to Liverpool, or that can be obtained for an American vessel in France.

That the discriminating duties and tonnage that would accrue to American vessels in France, compared with the same that would apply on French vessels in the United States, with reference to the trade of this place, would be more than ten to one.

That, notwithstanding the ten per cent. additional duty paid by foreign vessels, it is only on a few articles of value, and not of bulk; that it is sufficient to give a preference to American vessels to obtain the freight of the imports from France; the aggregate importations thence to this port by French vessels, exceeding very much in quantity that by American vessels.

That the carrying trade to France, which three years ago was altogether in American vessels, last year was nearly equally divided between them and French vessels; and that, since the beginning of the year 1819, it has been carried on in French vessels nearly in the proportion of four to one.

To establish the truth of these facts, your memorialists beg reference to the annexed tables, extracted from the custom-house books of this district, and certified by the collector; from which it appears that the vessels cleared out hence for French ports were, in 1818,

	Tons. 94ths.
39 American, aggregate tonnage	9,134 53
36 French, aggregate tonnage	7,553 63
75 vessels, total aggregate tonnage	16,688 22

The vessels cleared out and about loading for the same ports, since 1st January to 17th March, (about two and a half months,) in 1819:

	Tons. 94ths.	Tons. 94ths.
33 French. 21 cleared, aggregate tonnage	-	-4,945 74
12 in port and loading, aggregate tonnage	-2,839 57	
		7,785 37

9 American. 7 cleared, aggregate tonnage	-	- 1,750 84
2 loading, aggregate tonnage	-	- 655 00
		2,405 84

42 total vessels until the 17th of March, 1819, tonnage	10,191 27
---	-----------

These results demonstrate what your memorialists have advanced as to the rapidly progressive transfer of the carrying trade in question from American to French vessels; which, indeed, has not become absolute for the whole, from the circumstance that until now there have not been a sufficient number of French vessels to embrace it, and that a few of our ship-owners have made forced operations in order to employ their vessels.

By comparing the dates of clearances of the French vessels, it will appear that last year, until all the French vessels left this port, few or no American vessels were loaded for France; and probably the latter part of this year there will be, for the same reason of a want of French vessels, many Americans employed in the same way. But it cannot be doubted, with the advantages the former possess, that a short period will only be necessary for them to multiply and entirely destroy the feeble efforts of competition that may be maintained by a few ship-owners that load their own vessels, who must, however, if they persevere, eventually terminate it by ruinous sacrifices.

To avoid useless details and amplifications, your memorialists have confined themselves to the consideration of the articles of cotton and tobacco, (although potashes and others might be added,) to establish the difference paid in France by American and French vessels.

The duty in France on cotton is—

On an American vessel, 38f. 50c.	
per 200 lbs., (French pounds,) or	- 3.61 cents per lb.
On a French vessel, 22f. 00c.	
per 200 lbs., (French pounds,) or	- 2.06 cents per lb.

Difference of duty on cotton, in favor of French vessels, per pound	- 1.55
---	--------

The duty on tobacco is—

In an American vessel, 11f. 00c. per 200 pounds, (French.)	
Add 10 per cent.	1f. 10c. for that paid on the tare, which is not deducted by the custom-house in France, makes 12f. 10c. or equal to 1.125 cent. per pound.
Tobacco in a French vessel is free.	
Difference of duty on tobacco in favor of French vessels, per pound,	1.125 cent.

It is to be remarked that the tonnage duty paid by American vessels in France is 4f. 50c. per ton, or 85 cents; and the brokerage for entering and clearing at the custom-house is established at 1f. per ton, or 18½ cents; together, per ton, \$1.03½,

Discriminating Duties imposed on American Products.

which is more than the foreign tonnage paid in the United States, at 50 cents, and foreign light-money, 50 cents; together, \$1 per ton.

Without taking notice, therefore, in the following calculations, of the tonnage or light-money paid in the respective ports, your memorialists will proceed to state that the freight now and usually current from this port to Liverpool is one penny per pound on cotton, equal to 1.85 cent per pound.

To be deducted, charges attending shipment at New Orleans:

75 cents per bale for re-pressing the cotton.
12½ cents drayage to the press.
28 cents rolling and stowing on board.

\$1 15½ altogether, per bale of 350 pounds, equal to 0.31 cent per pound; net freight 1.54 cent per pound, (exclusive of stone ballast.)

The freight on tobacco for the same place is a half-penny per pound, equal to 0.93 cent.

To be deducted, rolling and stowing on board, at 75 cents per hogshead of 1,200 pounds, net per pound 0.6 cent; net freight per pound 0.86 cent.

Applying these data to shipment by an American vessel of—

80 tons cotton, or 179,200 pounds, the freight, at 1.54 cent would be - - - \$2,759 68
130 tons tobacco, or 291,200 pounds, the freight, at 0.86 cent, would be 2,504 32

210 tons total freight would be - 5,264 00

The difference of duty on 179,200 pounds cotton, at 1.55 cent, would be - - - \$2,777 69

The difference of duty on 291,200 pounds tobacco, at 1.25 cent would be - 3,276 00

Total difference of duty - - - 6,053 69

Making the difference of duty more than freight by - - - \$789 69

And supposing it would require a vessel of 300 register tons burden to carry the 210 tons weight of cotton and tobacco, it would make the saving of duty of \$6,053 69 to a French vessel, amounting to more than twenty dollars per ton.

It now remains to be considered how far the ten per cent. additional duty on goods imported into the United States by foreign vessels, goes to countervail the difference shown to be paid in France by American vessels. It may be premised, indeed, as there is no proportion between the bulk and value of our exports to the imports from France, that the French merchants, if they employed our vessels exclusively to bring their produce to the United States, which they can do at a most trifling freight would not certainly pay one-tenth part of the freight money that would accrue to their vessels, if they are allowed to secure to themselves the carrying trade of cotton and tobacco from the United States to France.

Therefore, that it is ineffectual to seek a remedy to the discriminating duties on our produce in France by increasing those paid here by French vessels bringing the produce of that country, and that nothing can be sufficient but a positive tonnage duty, graduated according to the amount of the discriminating duties that may exist in France on our principal staples; it being almost certain that the difference of duty on these articles sent to France from hence this year will amount to more than all the duties collected by this custom-house on imports from France, both by American and French vessels.

By the accompanying table, it will be seen that there entered from French ports from the 1st of September, 1817, to the end of 1818—

36 American vessels.	
57 French vessels.	
—	
93 total vessels.	
Aggregate tonnage, American vessels	- 7,601
Do. French vessels	- 12,089
	19,690
Amount of duties, American vessels	\$290,834 65
Do. French vessels	- 263,664 67

Total - - - \$554,499 32
being at the rate of \$443,600 per annum.

But the importations during these fifteen months were excessive, and prices, in consequence thereof, are less in this place than first cost.

A large estimate for average duties of importations of succeeding years may be taken at 400,000 dollars.

It has been shown already that, in little more than two and a half months of this year, 10,191 27-94 tons shipping are employed in the exports hence to France; and, supposing what will be employed for the remaining nine months as much more, together will make for the whole year 20,382 tons. The difference of duties, at \$20, will amount to \$407,640. This extract of duties paid further shows that fifty-seven French vessels, all with cargoes of the aggregate burden of 12,089 tons, paid only for duties \$263,664 66, the tenth part of which paid as foreign duty \$23,969 51, being less than \$2 per ton.

These results, recapitulated, would establish that the discriminating duties in France on American vessels are \$20 per ton, while those on the trade thence in French vessels are \$2 per ton only; and that this year, in the trade from this to French ports, the quantity of shipping to be employed would amount to more than 20,000 tons, the discriminating duties on which in France, estimated at \$20 per ton, would, as was before advanced, more than equal the total amount of duties on goods imported from the same, both in American and French vessels, estimated at \$400,000.

But these comparative estimates will not prove exact during the present and succeeding years; for, while the inordinate importations of French goods last year, as was observed before, reduced they will not be continued hereafter in the same their value here below prime cost, it showed that

Discriminating Duties imposed on American Products.

quantity; but the reverse must take place with respect to the exports of cotton and tobacco, which will increase with the extended production of them, and yearly cause a greater disparity between the exporting and importing trade to France.

If the circumstance is reverted to, that the proportion of American vessels loaded this year, and now loading for France, is only as one to four to the number of French, it may be offered as a conclusive proof, considering the inactivity of our shipping, that it has to contend with great disadvantages; for, on fair grounds of competition, your memorialists are bold to assert that neither the vessels of France nor of any other country could obtain a triumph over those navigated by American seamen; neither can it be an argument against them, that French vessels, notwithstanding the foreign duty, have had the largest share of the import trade of goods from France, (at least as regards bulk;) because the disproportion shown to exist between the tonnage used in the exports and imports from this port causes the incipient voyage from France to have no other object than to seek a return freight for the vessels; and, therefore, whenever it happens (as is mostly the case) that the difference of duty is not equivalent to the freight, there is no motive to employ an American vessel.

But the owners of French vessels, not to send them empty, keep the market in this place glutted with all kinds of French things, even sausages, sweetmeats, butter, cheese, shoes, hats, millinery, bricks, tiles, hollow cast iron ware, stone jugs, bottles, and many other articles that are objects of domestic trade or produce in our own country, as good and cheap as they can be brought from any place else. And to give a better idea of the nature of this trade, and to call the attention of your honorable body to the propriety of laying specific duties on some of them, a copy of the manifest of entry of a French ship also accompanies this memorial.

And your memorialists further beg leave to observe that the whole extent of the loss of the carrying trade of the articles of export from this place to France will not be correctly appreciated by that part only that heretofore has gone direct hence to France, for a considerable proportion of the Louisiana cotton and Kentucky tobacco shipped hence to the Eastern ports found its way by that circuitous channel to France; affording double employment to our vessels in the voyage coastwise, and then in the subsequent voyage across the Atlantic.

The loss of both these sources of employment to our ships must, in time, be superadded to that which your memorialists have shown to have existed in preceding years direct from this place. How long the trade, or how much of it, would continue in this circuitous channel, your memorialists are not prepared to say positively, provided our vessels were put upon an equality with French vessels in France; but they believe, from the active coasting trade now arising in lumber, bricks, building stones, lime, hay, oats, candles, soap, cider, salted fish, New England rum, potatoes, furniture,

carriages, saddlery, shoes, cut nails, and other domestic manufactures, that return freight will be so low that, aided by particular circumstances attending the seasons of business and navigation of the river, a great portion of it that now exists, at least, will be continued.

Besides the direct trade to France, it will be seen, by the accompanying tables of entries and clearances of French vessels at this port, that a permanent trade is establishing to their colonies in the West Indies, that is not open, except partially, to the vessels of the United States. Thus, whilst the avenues of French commerce are straitened to our flag within the direct line from our ports to France, and an intolerable and odious duty is levied for the rights of passage to that, a vast and varied career is opened to that of France, secured from competition on our part, where it might exist by discriminating duties, and finding in the English and other European colonies exclusively all the ramifications of profitable trade that can arise from carrying our produce.

An act of Parliament exists, particularly permitting the importation to the British colonies of all articles of provisions, besides salted meat, from all places in America, except from the ports of the United States.

Your memorialists have only taken a partial view of the evils growing out of the cause of complaint they now submit to your honorable body. They have only shown how much the trade from this place is liable to be affected by it, and leave to those better acquainted to say what proportion the 20,000 tons of shipping employed from New Orleans to French ports bears to the whole trade from the United States to France.

The magnitude of this aggregate, when duly ascertained, must no doubt excite the attention of every branch of the General Government, and suggest some expedient to counteract the inordinate selfishness that influenced that of France when it first devised a system that can only exist by being tolerated in the United States, to the inconceivable dereliction of the maintenance of the most important national interest.

A tonnage duty, if made dependent on the nature of the cargo exported from the United States, would strike directly at the object of this memorial: a calculation would show probably that \$15 per register ton on vessels carrying cotton, and \$25 per register ton on those carrying tobacco, would about countervail the present duties laid in France on the same articles imported in American vessels.

Your memorialists will further observe that, throwing the carrying trade from this place to France out of the hands of the American ship-owners naturally influences the trade in the same articles from American merchants into the same channel; the number of French vessels, being continually augmented, bring necessarily their owners in some degree to partake of it; every one tries to push off some articles of goods to gain a freight for his ship, and to pay for cotton and tobacco, instead of furnishing money advances; French commission houses to transact this business are daily mul-

Sick and Disabled Seamen in the Port of New York.

tiplied, and adventurers with their "pacotilles" are daily crowding the port.

This excessive excitement to the consumption of the articles of luxury and fashion from France, as well as the encouragement offered to transient traders, your memorialists conceive cannot be beneficial to the country; they feel too much that French fashion and French feelings are thereby likely to be perpetuated in this newly adopted sister State; and that whilst Americans are denied the rights they ought to possess in France, they will continue to be considered as foreigners in this part of their own country.

And your memorialists will ever pray.

Robert Hart,	J. Morgan,
Lewis Barnes,	Atkins Adams,
Theodore F. Jewett,	Nathaniel Fowler,
John S. Davis,	William Rider,
James Kennard,	Robt. Davis,
James Tibbits,	Geo. G. Jones,
Edward Richardson,	Ezekiel Purinton,
Robert Rogers,	Isaac Dickinson,
Harry Parsons,	Jeremiah Burrows,
Thos. Caldwell,	John Lake,
Ewd. Hays,	Christoph'r Howard,
Nathan Walden,	William Wilson.

SICK AND DISABLED SEAMEN IN THE PORT OF NEW YORK.

[Communicated to the Senate, January 13, 1820.]

To the honorable the Congress of the United States of America:

The memorial of the Governors of the New York Hospital respectfully sheweth: That your memorialists, as trustees of an institution erected and endowed for the relief only of those indigent and sick for whom no particular charity is provided, have, from sentiments of humanity, and with a confident reliance on the justice of Congress, ventured to appropriate a portion of their funds to the succoring and healing of sick and disabled seamen, for whom they conceived provision had been, or was intended to be, made.

It would appear that, by the act of the 16th July, 1798, which imposes a tax of twenty cents a month on seamen's wages, the Government of the United States engaged and contracted to protect and maintain these hardy citizens, whenever sickness or other disability should render them dependent; and also that, from the circumstance of large sums having been expended in the erection of hospitals, it is manifest the provision must have been adequate to its primary object, as the law appropriates only the surplus to such buildings. Your memorialists, therefore, can perceive no reason why, in the application of this fund, the collector should undertake either to limit the number to be benefited, or to proscribe any particular class of patients.

Soon after the passing the aforementioned act, an agreement was made to receive into the New

York hospital, at the rate of three dollars a week for board, medical attendance, and every other necessary except clothing, all such sick and disabled seamen as were contemplated to be relieved.

In a settlement of this account, in November, 1804, with the collector, your memorialists were surprised to learn that he undertook, and did absolutely refuse, and has continued to refuse, to pay for more than seventy-five seamen at any one time, and has since reduced the number to sixty-five, though considerably more than that number are generally in the hospital. He has also excluded seamen employed in the coasting trade, and such as have only performed the voyage, and has even undertaken to construe the law as not applying to cases of disability resulting from venereal infection, and to exclude from its benefits this class of patients—a distinction this, as your memorialists conceive, that is arbitrary and very oppressive, especially as it respects seafaring men: for those people, in most cases, expend all their wages in paying of men, pretenders to the healing art, before they come to the hospital; and having then no further credit at boarding-houses, and being incapable of serving at sea, they must absolutely perish by that inveterate disease unless they are received into the hospital. It consists with our observation that more than half the seafaring men who have lately applied to the hospital for relief were men who labored under that disease.

Your memorialists, in full faith that the legitimate and professed guardians of sailors would remunerate the expense, and being convinced that Congress intended to provide for all sick and disabled seamen, have, notwithstanding, administered relief unto all those unfortunate objects discarded by the collector; and, feeling repugnant to eject from the doors of their hospital to suffer, and perhaps to perish, men who have contributed so essentially to the prosperity and honor of our country, have humanely restored most of them to health, and secured their usefulness to society.

The funds of your memorialists are now, however, so burdened by the numerous charities they are compelled to administer, and especially in consequence of the large and increasing number of supernumerary seamen beyond what is paid for, that they feel themselves constrained to observe that, unless some provision is made to discharge the existing debt, as also to indemnify them in future, they may be reluctantly compelled to withdraw their charity from this class of patients.

If it is correct that all, or nearly all, the hospital money received at this port has been expended here, your memorialists would then most respectfully ask whether it is consistent with justice or humanity that such numbers of distressed seamen, who have all contributed equally to this fund, should be abandoned to want and misery? Your memorialists presume otherwise, and assuredly believe that the same motives which produced the law of 1798, in regard to this subject, will equally characterize the present Congress, and confidently hope that, if it should appear the sum received here is inadequate to support the sick and disabled seamen constantly found here, such fur-

Application to abolish Privateering in time of War.

ther provision will be made as may be requisite to realize the humane views of Government.

If the demand of your memorialists for maintaining and relieving these improvident sufferers is inquired into, it will appear that the compensation solicited is not only less in every instance, but in some not half of what has been charged in other ports. And if the fund originally created is inadequate to this object, generally, your memorialists then beg leave respectfully to suggest the policy of an addition of ten cents a month to the hospital tax, as both reasonable and necessary. And your memorialists would further respectfully solicit that the proper officer may be directed to audit the accounts for the past, and pay them such sum as may appear to be due.

All which is respectfully submitted.

M. CLARKSON, *President.*

JOHN BURKLEY, *Secretary.*

APPLICATION TO ABOLISH PRIVATEERING IN TIME OF WAR.

[Communicated to the House, January 11, 1820.]

To the honorable the Senate and House of Representatives of the United States in Congress assembled :

The memorial of the undersigned, citizens of the United States, respectfully represents: That, while they have rejoiced in the privileges of a free people, they have been deeply affected with the multiplied instances of criminal prosecutions, imprisonment, capital convictions, and public executions, which have recently occurred in several States. Your memorialists are far from imputing to defects in the Government of their country all the crimes of their fellow-citizens, and as far from a disposition to attribute the defects of Government to base and criminal intentions on the part of legislators or magistrates. They believe that the best informed men are but partially enlightened, and that men of the best hearts are necessarily liable to the influence of hereditary opinions, prejudices, and customs. But while crimes of the deepest die abound in the land, while our courts of justice and our prisons are thronged with malefactors, your memorialists conceive it to be a duty of all well informed men to search out the causes of these evils, and, when discovered, to represent them for the consideration of their legislators. They also regard it as the duty of legislators to seek the virtue and welfare of their fellow-citizens, and to do all in their power to prevent crimes; not merely by providing for the punishment of criminals, but by the abolition of those customs or practices by which men are naturally led into the paths of vice and ruin. Among the many atrocious offences of the present day, highway robbery, piracy, and murder, frequently occur. The melancholy scenes of public executions which have been witnessed in several of the United States, have justly excited reflection and inquiry; and, in searching for the causes of those crimes for which so many fellow beings have been sentenced to the gallows, your

memorialists have been impressed with a belief that much may justly be imputed to the practice of privateering in time of war.* They are aware that this practice has long been sanctioned by all the maritime Powers of Christendom, but they cannot, on that account, regard it as the less to be deplored or the less to be abhorred. It is in their view of the same character with the practice of the States of Barbary, for which the people of those regions are reproached as piratical barbarians.

In the course of the late war between Great Britain and the United States, many thousands of people were licensed by the two Governments to commit just such acts of injustice, depredation, and violence, as those for which pirates are hanged in time of peace. They were commissioned to capture, rob, or destroy, the property of innocent merchants, and, in case of resistance, to maim or murder innocent seamen while pursuing their lawful occupations. In this way hundreds of merchants in the two countries were unjustly despoiled of their property, many of them ruined, and their families reduced to poverty, wretchedness, and despair. The number of seamen who lost their lives in consequence of these licensed depredations was doubtless very considerable.

It is impossible for your memorialists to conceive how such deeds of rapine and violence can be reconciled to the principles of justice or humanity, when done by privateersmen, any more than when done by unauthorized pirates. The injustice and injury to the innocent sufferers are the same in both cases, and in both the motives and dispositions of the perpetrators may be the same.

As in the business of privateering all the odious passions of human nature are licensed—as the youth of our country become associated with desperate and unprincipled men let loose from every moral restraint—what better can reasonably be expected than that many of them will, after the close of the war, follow the trade to which they had been educated? When thousands of our citizens have served an apprenticeship in such an employment, can it be wonderful if hundreds of them become pirates or highway robbers? And if they become hardened in iniquity, inured to crime, and ruined by the education which they thus receive, at whose hands will their blood be required? This is a question which, in the opinion of your memorialists, deserves the serious consideration of every legislator, every magistrate, and every citizen of the United States. However necessary it may be, in the present state of society, to inflict capital punishments on piratical offenders, still philanthropy must weep and humanity recoil at the thought of taking the lives of men for crimes to which they have been trained up by the Government, and by the authorized customs of their country.

In this age of improvement it will generally be

* If we may credit the narratives of the four pirates who were executed in Boston, February 18, 1819, they had all been concerned in privateering, or State piracy; not all, however, by license from our Government.

Application to abolish Privateering in time of War.

admitted in theory, that rulers should ever exercise a tender and parental care towards their subjects, do all in their power to cause them to be educated in the paths of benevolence and virtue, and to preserve them from the snares of vice, and the influence of contaminating customs. Punishments are not the only nor the most effectual means of preventing crimes or saving men from vice. A virtuous education is infinitely preferable to sanguinary laws, as a means of preserving men from those crimes which are usually punished with death; and no laws, however severe, can reasonably be expected to prevent crimes, while such schools of depravity and licentiousness as those of privateering are sanctioned by public authority. It is, therefore, believed by your memorialists, that the principles of justice, humanity, religion, and sound policy, all unite in demanding the abolition of such seminaries of crime.

It is a gratifying fact that, in the infancy of the American Government, an attempt was made by our rulers to effect by treaties the very object of the present memorial. As early as 1785, the celebrated philosopher, Dr. Franklin, in a letter to a friend,* observed, that "the United States, though better situated than any other nation to profit by privateering, are, as far as in them lies, endeavoring to abolish the practice, by offering, in all their treaties with other Powers, an article, engaging solemnly that, in case of a future war, no privateer shall be commissioned on either side, and that unarmed merchant ships on both sides shall pursue their voyages unmolested." This humane effort on the part of the American Government, at so early a period, affords encouragement to your memorialists that Congress will listen with pleasure to a proposition for abolishing a practice which has justly been termed "a remnant of ancient piracy," and which has for ages been a disgrace to civilized nations, and the abhorrence of good men.

Though the magnanimous proposition formerly made was not generally adopted by other Governments, yet your memorialists are of opinion that the people of Europe are more enlightened than they were thirty-five years ago, and that there is much reason to believe that a similar proposition at this period would meet the approbation of nearly all the Powers of Christendom. To repeat or renew a proposition so philanthropic and humane, will not by enlightened men be regarded as be-

neath the dignity of any Government on earth; and, as the proposition probably originated in the United States, your memorialists have a strong desire that their own Government should have the honor of reviving it, and of pursuing the object till it shall have been completely accomplished.

Barbarians and unprincipled politicians might find a motive for continuing the practice in the circumstance mentioned by Dr. Franklin, that "the United States are better situated than any other nation to profit by privateering." But can the enlightened legislators of this country deem it proper to "do evil that good may come?" Can any considerations of profit induce them to continue a practice so palpably unjust in its nature and operations, so ruinous to the morals of their fellow-citizens, and which furnishes such a multitude of convicts for the State prisons and the gallows?

During a time of general peace it may naturally be expected that the rulers of Christendom will more impartially examine the subject, if proposed to them, than in a time when their passions are excited by war. The present state of the world is, therefore, deemed favorable for accomplishing the object of this memorial.

In regard to the best course for abolishing the practice in question, your memorialists would not undertake to prescribe, but confide in the wisdom of their Representatives in Congress. They have no fear that any method will be adopted to effect the abolition of privateering, which can more endanger the best interests of the country than a continuance of the custom. They, however, most respectfully and fervently pray that Congress would devise and adopt some plan which shall free our nation from the reproach of being supporters of a practice which every enlightened mind must deprecate and abhor.

The undersigned beg leave to close their memorial to the honorable Legislature of the United States in the words of Dr. Franklin, on the same subject: "This will be a happy improvement in the law of nations. The humane and the just cannot but wish success to the proposition."

PLAINFIELD, MASS., Dec. 27, 1819.

At an annual meeting of the Plainfield Peace Society, voted unanimously that this memorial be signed by the president and secretary, and presented to the Congress of the United States.

MOSES HALLECK, *Pres't.*
JACOB PORTER, *Sec'ry.*

* Benjamin Vaughan, Esquire.

PUBLIC ACTS OF CONGRESS;

PASSED AT THE FIRST SESSION OF THE SIXTEENTH CONGRESS, BEGUN AND
HELD AT THE CITY OF WASHINGTON, MONDAY, DECEMBER 6, 1819.

An Act authorizing the transmission of certain Documents free of postage.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Members of Congress, the Delegates from Territories, the Secretary of the Senate, and the Clerk of the House of Representatives be, and they are hereby, authorized to transmit, free of postage, to any post office within the United States, or the Territories thereof, any documents which have been, or may be, printed by order of either House, during the present Congress.

JAS. BARBOUR,

President pro tem. of the Senate.

HENRY CLAY,

Speaker of the House of Representatives.

Approved, December 14, 1819.

JAMES MONROE.

An Act making a partial appropriation for the military service of the United States for the year one thousand eight hundred and twenty.

Be it enacted, &c., That the following sums be, and are hereby, appropriated to the objects herein specified, to wit:

For subsistence of the Army of the United States, two hundred and twenty thousand dollars.

For the national armories, fifty-six thousand dollars.

For arrearages, on the settlement of outstanding claims, fifty thousand dollars.

SEC. 2. *And be it further enacted,* That the said sums be paid out of any money in the Treasury, not otherwise appropriated.

Approved, January 14, 1820.

An Act in addition to the "Act making appropriations for the support of the Navy of the United States for the year one thousand eight hundred and nineteen."

Be it enacted, &c., That the following sums, in addition to those appropriated by the act to which this is a supplement be, and the same are hereby, appropriated:

For pay and subsistence of the officers, and pay of the seamen, two hundred and seventy-three thousand one hundred dollars.

For provisions, forty-one thousand four hundred dollars.

For medicines, hospital stores, and expenses on

account of the sick, including those of the marine corps, eight thousand eight hundred and fifty dollars.

For repairs of vessels, one hundred and one thousand two hundred dollars.

For contingent expenses, eleven thousand dollars.

For the salaries of two agents, and a surveyor, appointed under the authority of the act of Congress of the first March, one thousand eight hundred and seventeen, entitled "An act making reservation of certain public lands to supply timber for naval purposes," and contingent expenses for carrying the same into effect, seven thousand five hundred dollars.

SEC. 2. *And be it further enacted,* That the several appropriations, hereinbefore made, shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, January 14, 1820.

An Act supplementary to the act entitled "An act to regulate and fix the compensation of the Clerks in the different Offices," passed the twentieth of April, one thousand eight hundred and eighteen.

Be it enacted, &c., That the authority given in the eighth section of the above recited act, to the Secretary of the Treasury, to employ nine additional clerks in the office of the Third Auditor, and three additional clerks in the office of the Second Comptroller of the Treasury be and the same is hereby continued, until the thirty-first day of December, one thousand eight hundred and twenty, and no longer; and that the sum necessary to carry into effect the provisions of this act be and the same is hereby appropriated, and shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, January 14, 1820.

An Act to alter the terms of the Court of the Western District of Virginia.

Be it enacted, &c., That the sessions of the Court for the judicial district of Virginia west of the Alleghany mountains, instead of the times heretofore appointed, shall hereafter be holden annually as follows: At Wythe Courthouse on the first Mondays of May and October; at Lewisburg, on the second Mondays of May and October; and at Clarksburg, on the fourth Mondays of May and October; any law to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That all processes which may have issued, or may hereafter issue, returnable to the next succeeding terms as heretofore established, shall be held returnable, and be returned, to those terms to which they are severally changed by this act.

Approved, February 10, 1820.

An Act making appropriations to supply the deficiency in the appropriations heretofore made for the completion of the repairs of the north and south wings of the Capitol, for furnishing the President's House, and the erection of two new Executive offices.

Be it enacted, &c., That, for the purpose of supplying the deficiency in the appropriations heretofore made, for completing the repairs of the north and south wings of the Capitol, for finishing the President's house, and the erection of two new Executive offices, the following sums be, and the same are hereby, respectively appropriated, that is to say :

For completing the repairs of the north and south wings of the Capitol, the sum of seventy-five thousand dollars.

For finishing the President's house, the sum of thirteen thousand one hundred and seventy-four dollars and sixty-six cents.

For erecting two new Executive offices, the sum of eleven thousand and fifteen dollars and seventy-one cents.

SEC. 2. *And be it further enacted*, That the said several sums be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, February 10, 1820.

An Act to provide for obtaining accurate statements of the foreign commerce of the United States.

Be it enacted, &c., That the Register of the Treasury shall, under the direction of the Secretary of the Treasury, annually prepare statistical accounts of the commerce of the United States with foreign countries, for each preceding year; which accounts shall be laid before Congress, by the Secretary of the Treasury, on the first Monday in December in every year, or as soon after as possible.

SEC. 2. *And be it further enacted*, That such accounts shall comprehend and state all goods, wares, and merchandise, exported from the United States to other countries; all goods, wares, and merchandise, imported into the United States from other countries; and all navigation employed in the foreign trade of the United States; which facts shall be stated according to the principles and in the manner hereby directed.

SEC. 3. *And be it further enacted*, That the kinds, quantities, and values, of all articles exported, and the kinds, quantities, and values, of all articles imported, shall be distinctly stated in such accounts; except in cases in which it may appear to the Secretary of the Treasury that separate statements of the species, quantities, or values, of any particular article would swell the annual statements without utility; and, in such cases, the kinds and total values of such articles shall be stated together, or

in such classes as the Secretary of the Treasury may think fit.

SEC. 4. *And be it further enacted*, That the exports shall be so stated, as to show the exports to each foreign country, and their values; and that the imports shall be so stated, as to show the imports from each foreign country, and their values.

SEC. 5. *And be it further enacted*, That the exports shall be so stated, as to show separately, the exports of articles of the production or manufacture of the United States, and their values; and the exports of articles of the production or manufacture of foreign countries, and their values.

SEC. 6. *And be it further enacted*, That the navigation employed in the foreign trade of the United States, shall be stated in such manner, as to show the amount of the tonnage of all vessels departing from the United States for foreign countries; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and also the foreign nations to which such foreign tonnage belongs, and the amount of such tonnage belonging to each foreign nation: and in such manner as also to show the amount of the tonnage of all vessels departing for every particular foreign country, with which the United States have any considerable commerce; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels: and in such manner as to show the amount of the tonnage of all vessels arriving in the United States from foreign countries; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and, also, the foreign nations to which such foreign tonnage belongs, and the amount of such tonnage belonging to each foreign nation: and, in such manner, as also to show the amount of the tonnage of all vessels arriving from every particular foreign country, with which the United States have any considerable commerce; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels.

SEC. 7. *And be it further enacted*, That the kinds and quantities of all imported articles free from duty shall be ascertained by entry made upon oath or affirmation by the owner, or by the consignee or agent of the importer; or by actual examination, where the collector shall think such examination necessary: and that the values of all such articles shall be ascertained in the same manner, in which the values of imports subject to duties ad valorem are ascertained.

SEC. 8. *And be it further enacted*, That the values of all imported articles subject to specific duties shall be ascertained in the manner in which the values of imports subject to duties ad valorem are ascertained.

SEC. 9. *And be it further enacted*, That the collectors shall keep separate accounts of the kinds, quantities, and values of such parts of the imports subject to duties ad valorem, as may be directed by the Secretary of the Treasury.

SEC. 10. *And be it further enacted*, That all

articles exported shall be valued at their actual cost, or the values which they may truly bear, at the time of exportation, in the ports of the United States, from which they are exported: and that all articles imported shall be valued at their actual cost, or the values which they may truly bear in the foreign ports from which they are exported for importation into the United States, at the time of such exportation.

SEC. 11. *And be it further enacted*, That, before a clearance shall be granted for any vessel bound to a foreign place, the owners, shippers, or consignors, of the cargo on board of such vessel, shall deliver to the collector manifests of the cargo, or the parts thereof, shipped by them respectively, and shall verify the same by oath or affirmation; and such manifests shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of articles; and such oath or affirmation shall state that such manifest contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors, respectively, and that the values of such articles are truly stated, according to their actual cost, or the values which they truly bear at the port and time of exportation; and, before a clearance shall be granted for any such vessel, the master of every such vessel, and the owners, shippers, and consignors of the cargo, shall state, upon oath or affirmation, to the collector, the foreign place or country in which such cargo is truly intended to be landed; and the said oath or affirmation shall be taken and subscribed in writing.

SEC. 12. *And be it further enacted*, That every collector shall keep an accurate account of the national characters and tonnage of all vessels which depart from his district for foreign countries, and of the foreign places or countries for which such vessels depart; and, also, an accurate account of the national characters and tonnage of all vessels which enter his district from foreign countries, and of the foreign places or countries from which such vessels arrive.

SEC. 13. *And be it further enacted*, That the several collectors shall make quarter yearly returns to the Register of the Treasury, of all the facts and matters which they are hereby required to ascertain.

SEC. 14. *And be it further enacted*, That the Secretary of the Treasury shall give such directions to the collectors, and prescribe such rules and forms to be observed by them, as may appear to him proper for attaining the objects of this act: *Provided*, That such directions or rules shall not be contrary to the provisions of any law of the United States.

SEC. 15. *And be it further enacted*, That the forms of the annual statements hereby required shall be determined by the Secretary of the Treasury, who shall prescribe such forms as may be proper to exhibit the facts hereby required to be stated in the clearest manner, and to show the actual state of commerce and navigation between the United States and foreign countries in each year.

SEC. 16. *And be it further enacted*, That this act shall be in force from the 30th day of September next.—[Approved, February 10, 1820.]

An Act for the admission of the State of Maine into the Union.

Whereas, by an act of the State of Massachusetts, passed on the nineteenth day of June, in the year one thousand eight hundred and nineteen, entitled "An act relating to the separation of the District of Maine from Massachusetts proper, and forming the same into a separate and independent State," the people of that part of Massachusetts heretofore known as the District of Maine, did, with the consent of the Legislature of the said State of Massachusetts, form themselves into an independent State, and did establish a constitution for the government of the same, agreeably to the provisions of the said act—Therefore,

Be it enacted, &c., That, from and after the fifteenth day of March, one thousand eight hundred and twenty, the State of Maine is hereby declared to be one of the United States of America, and admitted into the Union on an equal footing with the original States, in all respects whatever.

Approved, March 3, 1820.

An Act to remit the duties on the statue of George Washington.

Be it enacted, &c. That the duties which have accrued, or may accrue, to the United States, upon the importation of a statue of George Washington, by order and for the use of the State of North Carolina, be, and they are hereby, remitted.

Approved, February 24, 1820.

An Act further to extend the Charter of the City of Washington.

Be it enacted, &c., That the act, entitled "An act to incorporate the inhabitants of the City of Washington, in the District of Columbia," and the act supplementary to the same, passed on the twenty-fourth of February, one thousand eight hundred and four, and the act entitled "An act further to amend the charter of the City of Washington," be, and the same are hereby, extended to the third day of March, one thousand eight hundred and twenty-one, unless sooner repealed.

Approved, February 28, 1820.

An Act altering the place of holding the circuit and district court in the district of Ohio.

Be it enacted, &c., That the circuit court in and for the district of Ohio shall, from and after the passage of this act, be held at Columbus, in said district, on the first Mondays of September and January, in each and every year; and that all causes, actions, suits, process, pleadings, and other proceedings, of every description, that are, or shall be, existing or depending in the said circuit court shall be continued over and returnable to the said circuit court, to be held at Columbus as aforesaid, and shall be proceeded with in due form of law.

SEC. 2. *And be it further enacted*, That the district court, in and for the district of Ohio, shall, from and after the passage of this act, be held at Columbus, in said district, on the second Mondays of September and January, each and every year; and

that all causes, actions, suits, process, pleadings, and other proceedings of every description, that are or shall be existing or depending in the said district court, shall be continued over and returnable to the said district court, to be holden at Columbus as aforesaid, and shall be proceeded with in due form of law.

Approved, March 4, 1820.

An Act to continue in force for a further time the act entitled "An act for establishing trading-houses with the Indian tribes."

Be it enacted, &c., That the act, entitled "An act for establishing trading-houses with the Indian tribes," passed on the second day of March, one thousand eight hundred and eleven, and which was, by subsequent acts, continued in force until the first day of March, one thousand eight hundred and twenty, shall be, and the same is hereby, further continued in force until the third day of March, one thousand eight hundred and twenty-one, and no longer.

Approved, March 4, 1820.

An Act to authorize the people of Missouri Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States, and to prohibit slavery in certain territories.

Be it enacted, &c., That the inhabitants of that portion of the Missouri Territory included within the boundaries hereinafter designated, be, and they are hereby, authorized to form for themselves a constitution and State government, and to assume such name as they shall deem proper; and the said State, when formed, shall be admitted into the Union, upon an equal footing with the original States, in all respects whatsoever.

SEC. 2. *And be it further enacted,* That the said State shall consist of all the territory included within the following boundaries, to wit: Beginning in the middle of the Mississippi river, on the parallel of thirty-six degrees of north latitude; thence, west, along that parallel of latitude to the St. François river; thence up, and following the course of that river, in the middle of the main channel thereof, to the parallel of latitude of thirty-six degrees and thirty minutes; thence, west, along the same, to a point where the said parallel is intersected by a meridian line passing through the middle of the mouth of the Kansas river, where the same empties into the Missouri river; thence, from the point aforesaid, north, along the said meridian line, to the intersection of the parallel of latitude which passes through the rapids of the river Des Moines, making the said line to correspond with the Indian boundary line; thence, east, from the point of intersection last aforesaid, along the said parallel of latitude, to the middle of the channel of the main fork of the said river Des Moines; thence down, and along the middle of the main channel of the said river Des Moines, to the mouth of the same, where it empties into the Mississippi river; thence, due east, to the middle of the main channel of Mississippi river;

thence, down, and following the course of the Mississippi river, in the middle of the main channel thereof, to the place of beginning: *Provided,* The said State shall ratify the boundaries aforesaid: *And provided, also,* That the said State shall have concurrent jurisdiction on the river Mississippi, and every other river bordering on the said State, so far as the said rivers shall form a common boundary to the said State; and any other State or States, now or hereafter to be formed and bounded by the same, such rivers to be common to both; and that the river Mississippi, and the navigable rivers and waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of the said State as to other citizens of the United States, without any tax, duty, impost, or toll, therefor, imposed by the said State.

SEC. 3. *And be it further enacted,* That all free white male citizens of the United States, who shall have arrived at the age of twenty-one years, and have resided in said Territory three months previous to the day of election, and all other persons qualified to vote for representatives to the General Assembly of the said Territory, shall be qualified to be elected, and they are hereby qualified and authorized to vote, and choose representatives to form a convention, who shall be apportioned amongst the several counties, as follows:

From the county of Howard, five representatives. From the county of Cooper, three representatives. From the county of Montgomery, two representatives. From the county of Pike, one representative. From the county of Lincoln, one representative. From the county of St. Charles, three representatives. From the county of Franklin, one representative. From the county of St. Louis, eight representatives. From the county of Jefferson, one representative. From the county of Washington, three representatives. From the county of St. Genevieve, four representatives. From the county of Madison, one representative. From the county of Cape Girardeau, five representatives. From the county of New Madrid, two representatives. From the county of Wayne, and that portion of the county of Lawrence that falls within the boundaries herein designated, one representative.

And the election for the representatives aforesaid shall be holden on the first Monday, and two succeeding days of May next, throughout the several counties aforesaid in the said Territory, and shall be in every respect held and conducted in the same manner, and under the same regulations, as is prescribed by the laws of the said Territory regulating elections therein, for members of the General Assembly, except that the returns of the election in that portion of Lawrence county included in the boundaries aforesaid, shall be made to the county of Wayne, as is provided in other cases under the laws of said Territory.

SEC. 4. *And be it further enacted,* That the members of the convention thus duly elected, shall be, and they are hereby, authorized to meet at the seat of government of said Territory, on the second Monday of the month of June next; and the said

convention, when so assembled, shall have power and authority to adjourn to any other place in the said Territory, which to them shall seem best for the convenient transaction of their business; and which convention, when so met, shall first determine, by a majority of the whole number elected, whether it be, or be not, expedient at that time to form a constitution and State government for the people within the said Territory, as included within the boundaries above designated; and, if it be deemed expedient, the convention shall be, and hereby is, authorized to form a constitution and State government; or, if it be deemed more expedient, the said convention shall provide by ordinance for electing representatives to form a constitution or frame of government; which said representatives shall be chosen in such manner, and in such proportion, as they shall designate; and shall meet at such time and place as shall be prescribed by the said ordinance; and shall then form for the people of said Territory, within the boundaries aforesaid, a constitution and State government: *Provided*, That the same, whenever formed, shall be republican, and not repugnant to the Constitution of the United States; and that the Legislature of said State shall never interfere with the primary disposal of the soil by the United States, nor with any regulations Congress may find necessary for securing the title in such soil to the *bona fide* purchasers; and that no tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents.

SEC. 5. *And be it further enacted*, That, until the next general census shall be taken, the said State shall be entitled to one representative in the House of Representatives of the United States.

SEC. 6. *And be it further enacted*, That the following propositions be, and the same are hereby, offered to the convention of the said Territory of Missouri, when formed, for their free acceptance or rejection, which, if accepted by the convention, shall be obligatory upon the United States.

First. That section numbered sixteen in every township, and when such section has been sold, or otherwise disposed of, other lands equivalent thereto, and as contiguous as may be, shall be granted to the State for the use of the inhabitants of such township for the use of schools.

Second. That all salt springs, not exceeding twelve in number, with six sections of land adjoining to each, shall be granted to the said State, for the use of said State, the same to be selected by the Legislature of the said State, on or before the first day of January, in the year one thousand eight hundred and twenty-five, and the same, when so selected, to be used under such terms, conditions, and regulations, as the Legislature of said State shall direct: *Provided*, That no salt spring, the right whereof now is, or hereafter shall be, confirmed or adjudged to any individual or individuals, shall, by this section, be granted to said State: *And provided, also*, That the Legislature shall never sell or lease the same, at any one time, for a longer period than ten years, without the consent of Congress.

Third. That five per cent. of the net proceeds of the sale of lands lying within the said Territory, or State, and which shall be sold by Congress, from and after the first day of January next, after deducting all expenses incident to the same, shall be reserved for making public roads and canals, of which three-fifths shall be applied to those objects within the State, under the direction of the Legislature thereof; and the other two-fifths in defraying, under the direction of Congress, the expenses to be incurred in making of a road or roads, canal or canals, leading to the said State.

Fourth. That four entire sections of land be, and the same are hereby, granted to the said State, for the purpose of fixing their seat of government thereon, which said sections shall, under the direction of the Legislature of said State, be located, as near as may be, in one body, at any time, in such townships and ranges as the Legislature aforesaid may select, on any of the public lands of the United States: *Provided*, That such locations shall be made prior to the public sale of the lands of the United States surrounding such location.

Fifth. That thirty-six sections, or one entire township, which shall be designated by the President of the United States, together with the other lands heretofore reserved for that purpose, shall be reserved for the use of a seminary of learning, and vested in the Legislature of said State, to be appropriated solely for the use of such seminary by the said Legislature: *Provided*, That the five foregoing propositions herein offered, are on the condition that the convention of the said State shall provide, by an ordinance, irrevocable without the consent of the United States, that every and each tract of land sold by the United States, from and after the first day of January next, shall remain exempt from any tax laid by order or under the authority of the State, whether for State, county, or township, or any other purpose whatever, for the term of five years from and after the day of sale: *And further*, That the bounty lands granted, or hereafter to be granted, for military services during the late war, shall, while they continue to be held by the patentees, or their heirs, remain exempt as aforesaid from taxation for the term of three years from and after the date of the patents respectively.

SEC. 7. *And be it further enacted*, That, in case a constitution and State government shall be formed for the people of the said Territory of Missouri, the said convention or representatives, as soon thereafter as may be, shall cause a true and attested copy of such constitution, or frame of State government, as shall be formed or provided, to be transmitted to Congress.

SEC. 8. *And be it further enacted*, That in all that territory ceded by France to the United States, under the name of Louisiana, which lies north of thirty-six degrees and thirty minutes north latitude, not included within the limits of the State contemplated by this act, slavery and involuntary servitude, otherwise than in the punishment of crimes, whereof the parties shall have been duly convicted, shall be, and is hereby, forever prohibited: *Provided always*, That any person escaping

Public Acts of Congress.

into the same, from whom labor or service is lawfully claimed, in any State or Territory of the United States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or services as aforesaid.

Approved, March 6, 1820.

An Act in addition to an act, entitled "An act regulating the Post Office Establishment."

Be it enacted, &c., That, during the present and every subsequent session of Congress, all letters and packets to and from the President of the Senate *pro tempore*, and the Speaker of the House of Representatives, for the time being, shall be received and conveyed by mail, free of postage, under the same restrictions as are provided by law with respect to letters and packets to and from the Vice President of the United States.

Approved, March 13, 1820.

An Act to provide for taking the fourth census or enumeration of the inhabitants of the United States, and for other purposes.

Be it enacted, &c., That the marshals of the several districts of the United States, and of the District of Columbia, and of the Territories of Missouri, Michigan, and Arkansas, respectively, shall be, and they are hereby, authorized and required, under the direction of the Secretary of State, and according to such instructions as he shall give, pursuant to this act, to cause the number of the inhabitants within their respective districts and territories to be taken, omitting, in such enumeration, Indians not taxed, and distinguishing free persons, including those bound to service for a term of years, from all others; distinguishing, also, the sexes and colors of free persons, and the free males under ten years of age; those of ten years and under sixteen; those of sixteen and under twenty-six; those of twenty-six and under forty-five; and those of forty-five and upwards; and, also, distinguishing free females under ten years of age; those of ten and under sixteen; those of sixteen and under twenty-six; those of twenty-six and under forty-five; and those of forty-five and upwards; and also distinguishing the number of persons engaged in agriculture, commerce, and manufactures, respectively. For effecting which the marshals aforesaid shall have power, and they are hereby, respectively, authorized and required, to appoint one or more assistants in each county and city, in their respective districts and territories, residents of the county and city for which they shall be appointed, and shall assign a certain division to each of the said assistants, which division shall not consist of more than one county or city, but may include one or more towns, townships, wards, hundreds, or parishes, plainly and distinctly bounded by water courses, mountains, public roads, or other monuments. And the said enumeration shall be made by an actual inquiry at every dwelling-house, or of the head of every family, and not otherwise. The marshals and their assistants shall, respectively, take an oath or affirmation before some judge or justice of the

peace, resident within their respective districts or territories, before they enter on the duties required by this act. The oath or affirmation of the marshal shall be as follows: "I, A B, marshal of the district of —, do solemnly swear, (or affirm,) that I will well and truly cause to be made a just and perfect enumeration and description of all persons resident within my district, (or territory,) and also an account of the manufactures, except household manufactures, and return the same to the Secretary of State, agreeably to the directions of an act of Congress, entitled 'An act to provide for taking the fourth census or enumeration of the inhabitants of the United States, and for other purposes,' according to the best of my ability." The oath or affirmation of an assistant shall be, "I, A B, do solemnly swear, (or affirm,) that I will make a just and perfect enumeration and description of all persons resident within the division assigned to me for that purpose, by the marshal of —, and, also, an account of the manufactures, except household manufactures, and make due return thereof to the said marshal, agreeably to the directions of the act of Congress, entitled 'An act to provide for taking the fourth census or enumeration of the inhabitants of the United States,' and for other purposes," according to the best of my abilities." The enumeration shall commence on the first Monday of August, in the year one thousand eight hundred and twenty, and shall close within six calendar months thereafter. The several assistants shall, within the said six months, transmit to the marshals, by whom they shall respectively be appointed, accurate returns of all persons, except Indians not taxed, within their respective divisions; which returns shall be made in a schedule, distinguishing in each county, city, town, township, ward, or parish, the several families, by the names of their master, mistress, steward, overseer, or other principal person therein, in the manner following: The number of persons within my division, consisting of —, appears in a schedule hereto annexed, subscribed by me this — day of —, in the year one thousand eight hundred and twenty. A B, assistant to the marshal of —.

Schedule of the whole number of persons within the division allotted to A B:

Name of the county, parish, township, town, or city, where the family resides.
Names of heads of families.
Free white males under ten years.
Free white males of ten and under sixteen.
Free white males between sixteen and eighteen.
Free white males of sixteen and under twenty-six, including heads of families.
Free white males of twenty-six and under forty-five, including heads of families.
Free white males of forty-five and upwards, including heads of families.
Free white females under ten years of age.
Free white females of ten and under sixteen.
Free white females of sixteen and under twenty-six, including heads of families.

Public Acts of Congress.

Free white females of twenty-six and under forty-five, including heads of families.
Free white females of forty-five and upwards, including heads of families.
Foreigners not naturalized.

SLAVES.

Males under fourteen.
Males of fourteen and under twenty-six.
Males of twenty-six and under forty-five.
Males of forty-five and upwards.
Females of fourteen.
Females of fourteen and under twenty-six.
Females of twenty-six and under forty-five.
Females of forty-five and upwards.

FREE COLORED PERSONS.

Males under fourteen years.
Males of fourteen and under twenty-six.
Males of twenty-six and under forty-five.
Males of forty-five and upwards.
Females under fourteen years.
Females of fourteen and under twenty-six.
Females of twenty-six and under forty-five.
Females of forty-five and upwards.
All other persons, except Indians not taxed.

SEC. 2. *And be it further enacted,* That every assistant failing or neglecting to make a proper return, or making a false return of the enumeration to the marshal, within the time limited by this act, shall forfeit the sum of two hundred dollars, recoverable in the manner pointed out in the next section of this act.

SEC. 3. *And be it further enacted,* That the marshals shall file the several returns aforesaid, and, also, an attested copy of the aggregate amount hereinafter directed, to be transmitted by them, respectively, to the Secretary of State, with the clerks of their respective districts, or superior courts, (as the case may be,) who are hereby directed to receive, and carefully to preserve the same. And the marshals, respectively, shall, on or before the first day of April, in the year one thousand eight hundred and twenty-one, transmit to the Secretary of State the aggregate amount of each description of persons within their respective districts or territories. And every marshal failing to file the returns of his assistants, or the returns of any of them, with the clerks of the respective courts as aforesaid, or failing to return the aggregate amount of each description of persons in their respective districts or territories, as required by this act, and as the same shall appear from said returns, to the Secretary of State, within the time limited by this act, shall, for every such offence, forfeit the sum of one thousand dollars, which forfeitures shall be recoverable in the courts of the districts or territories where the said offences shall be committed, or within the circuit courts held within the same, by action of debt, information, or indictment; the one-half thereof to the use of the United States and the other half to the informer;

but where the prosecution shall be first instituted on behalf of the United States, the whole shall accrue to their use. And, for the more effectual discovery of such offences, the judges of the several district courts, in the several districts, and of the Supreme Courts in the Territories of the United States, as aforesaid, at their next session, to be held after the expiration of the time allowed for making the returns of the enumeration hereby directed, to the Secretary of State, shall give this act in charge to the grand juries in their respective courts, and shall cause the returns of the several assistants, and the said attested copy of the aggregate amount to be laid before them for inspection.

SEC. 4. *And be it further enacted,* That every assistant shall receive at the rate of one dollar for every hundred persons by him returned, where such persons reside in the country; and where such persons reside in a city or town, containing more than three thousand persons, such assistant shall receive at the rate of one dollar for every three hundred persons; but where, from the dispersed situation of the inhabitants in some divisions, one dollar will be insufficient for one hundred persons, the marshals, with the approbation of the judges of their respective districts or territories, may make such further allowance to the assistants in such divisions as shall be deemed an adequate compensation: *Provided,* The same does not exceed one dollar and twenty-five cents for every fifty persons by them returned: *Provided, further,* That before any assistant, as aforesaid, shall be entitled to receive said compensation, he shall take and subscribe the following oath or affirmation, before some judge or justice of the peace authorized to administer the same, to wit: I, A B, do solemnly swear, or affirm, that the number of persons set forth in the return made by me, agreeably to the provisions of the act, entitled "An act to provide for taking the fourth census or enumeration of the inhabitants of the United States, and for other purposes," have been ascertained by an actual inquiry at every dwelling-house, or of the head of every family, in exact conformity with the provisions of said act; and that I have, in every respect, fulfilled the duties required of me by said act to the best of my abilities, and that the return aforesaid is correct and true, according to the best of my knowledge and belief. The several marshals shall receive as follows: The marshal of the District of Maine, two hundred and fifty dollars; the marshal of the district of New Hampshire, two hundred and fifty dollars; the marshal of the district of Massachusetts, three hundred dollars; the marshal of the district of Rhode Island, one hundred and fifty dollars; the marshal of the district of Connecticut, two hundred dollars; the marshal of the district of Vermont, two hundred and fifty dollars; the marshal of the southern district of New York, two hundred and fifty dollars; the marshal of the northern district of New York, two hundred and fifty dollars; the marshal of the district of New Jersey, two hundred dollars; the marshal of the eastern district of Pennsylvania, three hundred dollars; the marshal of the western district of Pennsylvania, two hundred dollars; the

marshal of the district of Delaware, one hundred dollars; the marshal of the district of Maryland, three hundred dollars; the marshal of the eastern district of Virginia, three hundred dollars; the marshal of the western district of Virginia, two hundred dollars; the marshal of the district of Kentucky, three hundred dollars; the marshal of the district of North Carolina, three hundred and fifty dollars; the marshal of the district of South Carolina, three hundred dollars; the marshal of the district of Georgia, three hundred dollars; the marshal of the district of East Tennessee, one hundred and fifty dollars; the marshal of the district of West Tennessee, one hundred and fifty dollars; the marshal of the district of Ohio, three hundred dollars; the marshal of the district of Indiana, two hundred dollars; the marshal of the district of Illinois, one hundred and fifty dollars; the marshal of the district of Mississippi, one hundred and fifty dollars; the marshal of the district of Louisiana, one hundred and fifty dollars; the marshal of the district of Alabama, one hundred and fifty dollars; the marshal of the District of Columbia, fifty dollars; the marshal of the Missouri Territory, one hundred dollars; the marshal of the Michigan Territory, one hundred dollars; the marshal of the Arkansas Territory, one hundred dollars.

SEC. 5. *And be it further enacted*, That every person whose usual place of abode shall be in any family, on the said first Monday in August, one thousand eight hundred and twenty, shall be returned as of such family; and the name of every person who shall be an inhabitant of any district or territory, without a settled place of residence, shall be inserted in the column of the schedule which is allotted for the heads of families in the division where he or she shall be on the said first Monday in August; and every person occasionally absent at the time of enumeration, as belonging to the place in which he or she usually resides in the United States.

SEC. 6. *And be it further enacted*, That each and every free person, more than sixteen years of age, whether heads of families or not, belonging to any family within any division, district, or territory, made or established within the United States, shall be, and hereby is, obliged to render to the assistant of the division, if required, a true account, to the best of his or her knowledge, of every person belonging to such family, respectively, according to the several descriptions aforesaid, on pain of forfeiting twenty dollars, to be sued for and recovered, in an action of debt, by such assistant; the one half to his own use, and the other half to the use of the United States.

SEC. 7. *And be it further enacted*, That each and every assistant, previous to making his return to the marshal, shall cause a correct copy, signed by himself, of the schedule containing the number of inhabitants within his division, to be set up at two of the most public places within the same, there to remain for the inspection of all concerned; for each of which copies the said assistant shall be entitled to receive two dollars: *Provided*, Proof of

the schedule having been set up and suffered to remain, shall be transmitted to the marshal, with the return of the number of persons, and in case any assistant shall fail to make such proof to the marshal as aforesaid, he shall forfeit the compensation allowed him by this act.

SEC. 8. *And be it further enacted*, That the Secretary of State shall be and hereby is authorized and required to transmit to the marshals of the several districts and territories, regulations and instructions pursuant to this act, for carrying the same into effect, and also the forms contained therein, of the schedule to be returned, and such other forms as may be necessary in carrying this act into execution, and proper interrogatories to be administered by the several persons to be employed in taking the enumeration.

SEC. 9. *And be it further enacted*, That in those States composing two districts, and where part of a county may lie in each district, such county shall be considered as belonging to that district in which the court-house of said county may be situate.

SEC. 10. *And be it further enacted*, That it shall be the duty of the several marshals and their assistants, at the time of taking the said census, to take, under the direction of the Secretary of State, and according to such instructions as he shall give, and such forms as he shall prescribe, an account of the several manufacturing establishments, and their manufactures, within their several districts, territories, and divisions: the said assistants shall make return of the same to the marshals of their respective districts or territories; and the said marshals shall transmit the said returns, and abstracts thereof, to the Secretary of State, at the same time at which they are, by this act, required, respectively, to make their returns to the Secretary of State; for the performance of which additional service, they shall respectively receive, as compensation therefor, not exceeding twenty per centum in addition to the sums allowed by this act, to be apportioned in proportion to the services rendered, under the direction of the Secretary of State.

SEC. 11. *And be it further enacted*, That in all cases where the superficial content of any county or parish shall exceed forty miles square, and the number of inhabitants in said parish or county shall not exceed two thousand five hundred, the marshal or assistants shall be allowed, with the approbation of the judges of the respective districts or territories, such further compensation as shall be deemed reasonable: *Provided*, The same does not exceed three dollars for every fifty persons by them returned.

SEC. 12. *And be it further enacted*, That when the aforesaid enumeration shall be completed, and returned to the office of the Secretary of State, by the marshals of the States and Territories, he shall direct the printers to Congress to print, for the use of the Congress, fifteen hundred copies thereof.

Approved, March 14, 1820.

An Act making appropriations for the support of the Navy of the United States, for the year one thousand eight hundred and twenty.

Be it enacted, &c., That, for defraying the expenses of the Navy, for the year one thousand eight hundred and twenty, the following sums be and the same are hereby respectively appropriated :

For pay and subsistence of the officers, and pay of the seamen, nine hundred and eighty-nine thousand three hundred and twenty dollars.

For provisions, four hundred and fifteen thousand one hundred and eighty-seven dollars.

For medicines, hospital stores, and all expenses on account of the sick, including the marine corps, thirty-six thousand dollars.

For repairs of vessels, four hundred and eighty-four thousand dollars.

For store rent, freight, transportation, enlistment of seamen, and all other contingent expenses, two hundred and forty thousand dollars.

For improvement of navy yards, docks, and wharves, pay of superintendents, store-keepers, clerks, and laborers, one hundred thousand dollars.

For payment of contracts made for shells and shot, and for military stores, fifty thousand dollars.

For pay and subsistence of the marine corps, one hundred and seventy-seven thousand two hundred and twenty-eight dollars.

For clothing the same, twenty-seven thousand two hundred and five dollars.

For contingent expenses of the same, twenty thousand dollars.

SEC. 2. *And be it further enacted,* That the several appropriations herein before made, shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, March 17, 1820.

An Act to authorize the President of the United States to appoint a Receiver of the public moneys and Register of the land office for the district of Lawrence county, in the Arkansas Territory.

Be it enacted, &c., That the President of the United States be and he is hereby authorized to appoint a Receiver of the public moneys and Register of the land office, for the district of Lawrence county, in the Arkansas Territory.

SEC. 2. *And be it further enacted,* That any person having a claim to a right of pre-emption within the said district, shall make known his claim and location, according to the provisions of the laws now in force, to the Register, at least six weeks before the time to be designated by the President of the United States for issuing patents to the soldiers of the late army, entitled to bounty land in said district.

Approved, March 17, 1820.

An Act establishing a Circuit Court within and for the District of Maine.

Be it enacted, &c., That, from and after the passing

of this act, the districts of Rhode Island, Massachusetts, New Hampshire, and Maine, shall constitute the first circuit; and, in addition to the circuit courts now holden in said circuit, there shall be holden annually two circuit courts within and for said District of Maine, by the Justice of the Supreme Court residing in said circuit, and by the District Judge of Maine, at the times and places following, viz: One session of said court shall commence and be holden at Portland, in said district, on the eighth day of May; and the other at Wiscasset, in said district, on the eighth day of October; and when either of said days shall happen to be Sunday, the session shall commence on the day next following; and when only one of the judges hereby directed to hold the said circuit courts shall be able to attend, such circuit courts may be held by the judge so attending.

SEC. 2. *And be it further enacted,* That all acts, and parts of acts, granting said District Court of Maine the powers and jurisdiction of a circuit court of the United States be and the same are hereby repealed.

SEC. 3. *And be it further enacted,* That the Circuit Court by this act established in and for the District of Maine, shall have power to, and may, at its first session, take cognizance of, and proceed to act upon, hear, and decide, all actions, causes, pleas, processes, matters, and things, which have originated in the said District Court, and which would by law be cognizable, and be heard and determined by the Circuit Court to be holden in the District of Massachusetts, if this act had never been made and passed.

SEC. 4. *And be it further enacted,* That those causes which have originated as aforesaid, in said District Court, and have been entered at the Circuit Court in the District of Massachusetts, and are now pending therein, on error, appeal, or otherwise, shall be transferred to the Circuit Court by this act established, and entered on the docket of the same at its first session, in order that the said causes may be heard and decided therein in the manner provided by the third section of this act.

Approved, March 30, 1820.

An Act further to suspend, for a limited time, the sale or forfeiture of lands, for failure in completing the payment thereon.

Be it enacted, &c., That the operation of the sixth condition of the fifth section of the act, entitled "An act to amend the act, entitled 'An act providing for the sale of the lands of the United States northwest of the Ohio, and above the mouth of Kentucky river,'" be, and the same is hereby, suspended until the thirty-first day of March, one thousand eight hundred and twenty-one, in favor of the purchasers of public lands, at any of the land offices of the United States: *Provided,* That the benefit of this act shall not be extended to any one purchaser for a greater quantity than six hundred and forty acres.

Approved, March 30, 1820.

An Act for apportioning the Representatives in the Seventeenth Congress, to be elected in the States of Massachusetts and Maine, and for other purposes.

Be it enacted, &c., That, in the election of Representatives in the Seventeenth Congress, the State of Massachusetts shall be entitled to choose thirteen Representatives only; and the State of Maine shall be entitled to choose seven Representatives, according to the consent of the Legislature of the said State of Massachusetts, for this purpose given, by their resolve, passed on the twenty-fifth day of January last, and prior to the admission of the State of Maine into the Union.

SEC. 2. *And be it further enacted,* That, if the seat of any of the Representatives in the present Congress, who were elected in and under the authority of the State of Massachusetts, and who are now inhabitants of the State of Maine, shall be vacated by death, resignation, or otherwise, such vacancy shall be supplied by a successor, who shall, at the time of his election, be an inhabitant of the State of Maine.

Approved, April 7, 1820.

An Act making appropriations for the support of Government, for the year one thousand eight hundred and twenty.

Be it enacted, &c., That the following sums be, and the same are hereby, respectively appropriated, that is to say:

For compensation granted by law to the members of the Senate and House of Representatives, their officers and attendants, three hundred and eighty-four thousand and ten dollars.

For the expenses of stationery, fuel, printing, and all other contingent and incidental expenses of both Houses of Congress, forty-five thousand dollars.

For the expenses of the Library of Congress, including the librarian's allowance, one thousand nine hundred and fifty dollars.

For the purchase of books, maps, and charts, for the Library of Congress, two thousand dollars.

For compensation to the President of the United States, twenty-five thousand dollars.

For compensation to the Vice President of the United States, five thousand dollars.

For compensation to the Secretary of State, six thousand dollars.

For compensation to the clerks in the Department of State, per act of 20th April, one thousand eight hundred and eighteen, fifteen thousand nine hundred dollars.

For compensation to the messengers in said Department, including the messenger to the Patent Office, nine hundred and sixty dollars.

For the contingent and incidental expenses of said Department, including expenses of printing and distributing copies of the laws of the first session of the Sixteenth Congress, thirty-four thousand four hundred and fifty dollars.

For compensation to the Secretary of the Treasury, six thousand dollars.

For compensation to the clerks in the office of

the Secretary of the Treasury, per act of twentieth April, one thousand eight hundred and eighteen, ten thousand four hundred dollars.

For compensation to messengers in said office, seven hundred and ten dollars.

For compensation to the First Comptroller of the Treasury, three thousand five hundred dollars.

For compensation to the clerks in the office of the First Comptroller, per act of twentieth April, one thousand eight hundred and eighteen, seventeen thousand eight hundred and fifty dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Second Comptroller of the Treasury, three thousand dollars.

For compensation to the clerks in said office, per act of twentieth April, one thousand eight hundred and eighteen, nine thousand seven hundred and fifty dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the First Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of said Auditor, per act of twentieth April, one thousand eight hundred and eighteen, fifteen thousand two hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Second Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of said Auditor, per act of twentieth April, one thousand eight hundred and eighteen, seventeen thousand two hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Third Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of said Auditor, per act of twentieth April, one thousand eight hundred and eighteen, twenty-eight thousand six hundred dollars.

For compensation to the messengers in said office, seven hundred and ten dollars.

For compensation to the Fourth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of said Auditor, per act of twentieth April, one thousand eight hundred and eighteen, fifteen thousand and fifty dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Fifth Auditor of the Treasury, three thousand dollars.

For compensation to the clerks in the office of said Auditor, per act of twentieth April, one thousand eight hundred and eighteen, ten thousand five hundred dollars.

For three clerks to complete the duties of the Commissioner of the Revenue, three thousand seven hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Treasurer of the United States, three thousand dollars.

For compensation to the clerks in the office of said Treasurer, per act of twentieth April, one thousand eight hundred and eighteen, five thousand two hundred and fifty dollars.

For compensation to the two additional clerks in the office of the said Treasurer, during the present year, one thousand two hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Commissioner of the General Land Office, three thousand dollars.

For compensation to the clerks in the office of said Commissioner, per act of twentieth April, one thousand eight hundred and eighteen, twenty-two thousand five hundred and fifty dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Register of the Treasury, three thousand dollars.

For compensation to the clerks in the office of the said Register, per act of twentieth April, one thousand eight hundred and eighteen, and including two hundred dollars to correct an error in stating the total sum, for one thousand eight hundred and nineteen, twenty-two thousand five hundred and fifty dollars.

For compensation to the messenger in said office, including the allowance for stamping ships' registers, five hundred dollars.

For compensation to the secretary to the Commissioners of the Sinking Fund, two hundred and fifty dollars.

For allowance to the person employed in transmitting passports and sea letters, for expense of translating foreign languages in the office of the Secretary of the Treasury, for stationery, printing, fuel, and all other contingent and incidental expenses in the Treasury Department, and the several offices therein, forty-three thousand seven hundred and fifty dollars.

For compensation to a superintendent, and four watchmen, employed for the security of the State and Treasury buildings, and for repairs of engines, hose, and fire buckets, and for the purchase of a small fire engine, for the State Department, two thousand five hundred and sixty-eight dollars.

For compensation to the Secretary of War, six thousand dollars.

For compensation to the clerks in the War Department, per act of twentieth April, one thousand eight hundred and eighteen, twenty-five thousand eight hundred dollars.

For expense of fuel, stationery, printing, and other contingent expenses, in said department, five thousand dollars.

For maps, plans, books, and instruments, one thousand dollars.

For compensation to the messengers in said department, seven hundred and ten dollars.

For compensation to the Paymaster General, two thousand five hundred dollars.

For compensation to the clerks in the office of the said Paymaster, per act of twentieth April, one thousand eight hundred and eighteen, nine thousand two hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For compensation to the Commissary General of Purchases, three thousand dollars.

For his compensation for the year one thousand eight hundred and nineteen, no appropriation having been made for that year, three thousand dollars.

For compensation to the clerks in the office of said Commissary, two thousand eight hundred dollars.

For compensation to the messenger in said office, three hundred and sixty dollars.

For the contingent expenses of said office, nine hundred and thirty dollars.

For compensation to the clerks in the office of the Adjutant and Inspector General, per act of twentieth April, one thousand eight hundred and eighteen, two thousand one hundred and fifty dollars.

For the contingent expenses of said office, one thousand two hundred dollars.

For compensation to the clerks in the office of the Ordnance Department, per act of twentieth April, one thousand eight hundred and eighteen, two thousand nine hundred and fifty dollars.

For the contingent expenses of said office, seven hundred and sixty dollars.

For compensation to the clerks in the office of the Commissary General of Subsistence, two thousand one hundred and fifty dollars.

For the contingent expenses of said office, one thousand three hundred and fifty dollars.

For compensation to the clerks in the office of the Engineer department, two thousand one hundred and fifty dollars.

For expenses of maps, books, and stationery, two thousand five hundred dollars.

For compensation to the clerk in the office of the Surgeon General, one thousand one hundred and fifty dollars.

For contingent expenses of said office, five hundred and five dollars.

For compensation to the Secretary of the Navy, six thousand dollars.

For compensation to the clerks in the office of the Secretary of the Navy, per act of twentieth April, one thousand eight hundred and eighteen, eight thousand two hundred dollars.

For compensation to an extra clerk in the Navy Department, during part of the year eighteen hundred and nineteen, three hundred dollars.

For compensation to the messenger in said office, four hundred and ten dollars.

For contingent expenses of said office, two thousand five hundred dollars.

For compensation to the Commissioners of the Navy Board, ten thousand five hundred dollars.

For compensation to the secretary to said Commissioners, two thousand dollars.

For compensation to the clerks in the office of said Commissioners, per act of twentieth April, one thousand eight hundred and eighteen, three thousand five hundred and fifty dollars.

For additional clerks, for the year one thousand eight hundred and twenty, in said office, four thousand dollars.

For compensation to the messenger, four hundred and ten dollars.

For the contingent expenses, two thousand dollars.

For compensation to the superintendent, and four watchmen, employed for the security of the War and Navy buildings, and for repairs of engines, hose, and fire buckets; and for the purchase of a small fire engine, two thousand two hundred and sixty-eight dollars.

For compensation to the Postmaster General, four thousand dollars.

For compensation to two Assistant Postmasters General, five thousand dollars.

For compensation to the clerks in the General Post Office, per act of twentieth April, one thousand eight hundred and eighteen, twenty-two thousand seven hundred dollars.

For compensation to the messengers in said office, six hundred and sixty dollars.

For the contingent expenses of said office, four thousand dollars.

For compensation to the Surveyor General, two thousand dollars.

For compensation to the clerks in the office of said Surveyor, two thousand one hundred dollars.

For compensation to the surveyor south of Tennessee, two thousand dollars.

For compensation to the clerks in the office of said surveyor, one thousand seven hundred dollars.

For compensation to the Surveyor in Illinois, Missouri, and Arkansas, two thousand dollars.

For compensation to the clerks in the office of said surveyor, two thousand dollars.

For compensation to the surveyor in Alabama, two thousand dollars.

For compensation to the clerks in the office of said surveyor, one thousand five hundred dollars.

For compensation to the Commissioner of Public Buildings, at Washington City, two thousand dollars.

For compensation to the officers and clerks of the Mint, nine thousand six hundred dollars.

For wages of persons employed in the different operations of the Mint, nine thousand and fifty dollars.

For incidental and contingent expenses, and repairs, cost of machinery, and for allowance of wastage in the gold and silver coinage of the Mint, eight thousand one hundred dollars.

For compensation to the Governor, Judges, and Secretary of the Missouri Territory, seven thousand eight hundred dollars.

For the contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Arkansas Territory, including arrearages for the year one thousand eight hundred and nineteen, nine thousand and seventy-two dollars, and twenty-nine cents.

For the contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Governor, Judges, and Secretary of the Michigan Territory, six thousand six hundred dollars.

For printing and distributing the laws of the

Michigan Territory, twelve hundred and fifty dollars.

For the contingent expenses of said Territory, three hundred and fifty dollars.

For compensation to the Chief Justice, the Associate Judges, and District Judges, of the United States, including the Chief Justice and Associate Judges of the District of Columbia, seventy-seven thousand one hundred dollars.

For compensation to the Attorney General of the United States, three thousand five hundred dollars.

For compensation to the clerk in the office of said Attorney General, per act of twentieth April, one thousand eight hundred and eighteen, eight hundred dollars.

For compensation to sundry District Attorneys and Marshals, as granted by law, including those in the several Territories, nine thousand dollars.

For compensation to the Marshal of the Western District of Pennsylvania, for his services, from the twentieth of April, one thousand eight hundred and eighteen, to the twentieth of April, one thousand eight hundred and nineteen, two hundred dollars.

For compensation to the District Attorney of the same District, for the same time, two hundred dollars.

For compensation to the Reporter of the decisions of the Supreme Court of the United States, one thousand dollars, to be paid upon the conditions prescribed in the act to provide for reports of the decisions of the Supreme Court, passed March third, one thousand eight hundred and seventeen.

For the payment of sundry pensions, granted by the late and present Governments, one thousand six hundred and seventy dollars.

For a deficiency in the fund for the relief and protection of sick and disabled seamen, as established by the act of third May, one thousand eight hundred and two, eighty-one thousand three hundred and nineteen dollars, and thirty-four cents.

For completing the contracts for constructing the road from Washington, Pennsylvania, to Wheeling, made during the year one thousand eight hundred and seventeen, one hundred and forty-one thousand dollars.

For surveying the public lands of the United States, one hundred and sixty thousand dollars.

For additional compensation to the clerks in the office of the Superintendent General of Indian Trade, per act of twentieth April, one thousand eight hundred and eighteen, four hundred and fifty dollars.

For payment of balances due to sundry individuals, relative to prisoners of war, eleven thousand eight hundred and twenty-eight dollars and eighty-one cents.

For defraying the expense of the fourth enumeration of the inhabitants of the United States, two hundred and forty thousand dollars.

For discharging the claims of the inhabitants of the late province of West Florida, now included within the States of Louisiana, or Mississippi, for advances made for the use and benefit of the Uni-

ted States, prior to and since the taking possession of the said portion of the said late province of West Florida by the United States, as liquidated by the State Department, including principal and interest, twenty-four thousand two hundred and thirty-one dollars fifty-three cents.

For the maintenance and support of lighthouses, beacons, buoys, and public piers, stakeages of channels, bars, and shoals, including the purchase and transportation of oil, keepers' salaries, repairs and improvements, and contingent expenses; and including the balances of former appropriations for erecting lighthouses at Cape Lookout, Sapelo Island, Cumberland Island, and on Tybee, which were carried to the surplus fund, on the thirty-first of December last, one hundred and twenty thousand eight hundred and sixty-three dollars.

For the payment of outstanding debentures, for internal duties, twenty thousand dollars.

For the discharge of such miscellaneous claims against the United States, not otherwise provided for, as shall be admitted in due course of settlement at the Treasury, six thousand dollars.

For the third payment to John Trumbull, for paintings, agreeably to his contract with the Secretary of State, made in pursuance of a resolution of Congress of the sixth of February, one thousand eight hundred and seventeen, six thousand dollars.

For salaries to the Ministers to the United States at London, Paris, St. Petersburg, Rio Janeiro, and Madrid; with the salaries of their several Secretaries of Legation, and the salary of a *Chargé des Affaires* at Stockholm and the Hague, and for the salaries for the late Ministers at Madrid and Rio Janeiro, during six months of the year one thousand eight hundred and nineteen, and for the usual allowance of three months' salary to those Ministers, payable on their return home, seventy-seven thousand five hundred dollars.

For outfits of a Minister to St. Petersburg, nine thousand dollars.

For contingent expenses of those missions, ten thousand dollars.

For the contingent expenses of foreign intercourse, thirty thousand dollars.

For the expenses of intercourse with the Barbary Powers, forty-two thousand dollars.

For the expenses during the present year, for carrying into effect the fifth, sixth, and seventh articles of the treaty of peace concluded with His Britannic Majesty on the twenty-fourth of December, one thousand eight hundred and fourteen, including the compensation of the commissioners and surveyors, and an agent appointed under the fifth article of the said treaty, and their contingent expenses, forty-seven thousand three hundred and thirty-three dollars and thirty-two cents.

For the purpose of holding treaties with the Creek and Cherokee tribes of Indians, for extinguishment of the Indian title to all the lands within the State of Georgia, pursuant to the fourth condition of the first article of the Articles of Agreement and Cession, concluded between the United States and the State of Georgia, on the twenty-fourth day of April, one thousand eight hundred and two, the sum of thirty thousand dol-

lars. And for the purpose of procuring a further extinguishment of Indian title within the Territory of Michigan, the sum of twenty thousand dollars.

For the purpose of negotiating a treaty or treaties with the Indians in the State of Mississippi, for the extinguishment of their title to lands in that State, twenty thousand dollars.

For salaries for the agents for claims on account of spoiliations, and for seamen, at London and Paris, four thousand dollars.

For the relief and protection of American seamen in foreign countries, eighty thousand dollars.

For the payment of a balance due to Mr. Poirey, ascertained and settled under the law of February twenty-fourth, one thousand eight hundred and nineteen, the sum of three thousand four hundred and eighty-six dollars.

For the payment of a balance due M. de Vienne, ascertained and settled under the law of February twenty-fourth, one thousand eight hundred and nineteen, nine hundred and ninety-five dollars and forty cents.

SEC. 2. *And be it further enacted*, That the several appropriations hereinbefore made, shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, April 11, 1820.

An Act making further appropriations for continuing the work upon the centre building of the Capitol and other public buildings.

Be it enacted, &c., That, for continuing the work of the centre building of the Capitol, and other public buildings, in the city of Washington, the following sums of money be, and the same are hereby, appropriated, viz :

For continuing the work on the centre building of the Capitol, one hundred and eleven thousand seven hundred and sixty-nine dollars,

For painting the inside of the north and south wings of the Capitol, and providing for the expense of making such alterations therein as have been directed during the present session of Congress, two thousand eight hundred and sixty-seven dollars.

For graduating the ground round the Capitol, and supplying the deficiency in former appropriations for enclosing and improving the Capitol Square, five thousand five hundred and ninety-one dollars.

For making necessary repairs and alterations in the President's House, one thousand one hundred dollars.

For making alterations and improvements in the Senate Chamber, for the better accommodation of the Senate, two thousand four hundred dollars.

SEC. 2. *And be it further enacted*, That the said several sums be paid out of any moneys in the Treasury, not otherwise appropriated.

Approved, April 11, 1820.

An Act making appropriations for the military service of the United States, for the year one thousand eight hundred and twenty.

Be it enacted, &c., That the following sums be,

and the same are hereby, respectively appropriated, viz :

For the pay of the Army of the United States, in addition to an unexpended balance of one hundred thousand dollars, one million thirty-six thousand seven hundred and eighty-four dollars.

For subsistence, in addition to the sum of two hundred and twenty thousand dollars already appropriated, six hundred and two thousand and forty-eight dollars.

For bounties and premiums for fifteen hundred recruits, twenty-one thousand dollars.

For quarters, fuel, straw, and all other expenses for recruits, until organized to join regiments and corps, thirty-four thousand one hundred and twenty-five dollars.

For clothing, three hundred thousand dollars.

For the medical and hospital department, forty-two thousand one hundred and forty-five dollars.

For the quartermaster's department, four hundred and fifty thousand dollars.

For the contingencies of the Army, forty thousand dollars.

For forage for officers, in addition to an unexpended balance of twenty thousand dollars, six thousand four hundred and ninety-six dollars.

For fortifications, eight hundred thousand dollars.

For the Military Academy at West Point, for fuel, maps, plans, books, and apparatus, and contingent expenses, eighteen thousand three hundred and twenty-two dollars; for completing the building, two thousand five hundred dollars; for arrearages, prior to the year one thousand eight hundred and eighteen, twenty-one thousand four hundred and twenty-eight dollars and fifty-seven cents; for cannon and shot, to fulfil existing contracts, and for the purchase of flints, and timber for travelling carriages, fifty-three thousand dollars.

For the national armories, in addition to the sum of fifty-six thousand dollars, already appropriated, three hundred and nineteen thousand dollars.

For the current expenses of the ordnance department, one hundred thousand dollars.

For the completion of arsenals, to wit : for completing the arsenal at Augusta, in Georgia, twenty-seven thousand dollars; for completing the arsenal at Baton Rouge, twenty-five thousand dollars; and at Watertown, near Boston, eight thousand six hundred and fifty dollars.

For balance due to certain States, in addition to an unexpended balance of one hundred and fifty-three thousand one hundred and seventy-two dollars, three hundred and fifty thousand dollars.

For arrearages, in addition to fifty thousand dollars, already appropriated, one hundred thousand dollars.

For the annual allowance to the invalid pensioners of the United States, in addition to an unexpended balance of eighty-four thousand nine hundred and eighty-two dollars and twenty-nine cents, three hundred and forty-one thousand eight hundred and sixty-two dollars and seventy-one cents.

For the annual allowance to the Revolutionary pensioners, under the act of the eighteenth March,

one thousand eight hundred and eighteen, two millions seven hundred and thirty-six thousand four hundred and forty dollars.

For the half-pay of widows and orphans, one hundred thousand dollars.

For the current expenses of the Indian department, during the present year, two hundred thousand dollars.

For surveying and marking boundary lines of Indian cessions, fifteen thousand dollars.

For making a survey of the water-courses tributary to and west of the Mississippi, also those tributary to the same river and northwest of the Ohio, four thousand five hundred dollars.

For making a survey, maps, and charts, of the Ohio and Mississippi, from the rapids of the Ohio at Louisville, to the Balize, for the purpose of facilitating and ascertaining the most practicable mode of improving the navigation of those rivers, five thousand dollars.

For completing the public road through the Creek nation, between the States of Georgia and Alabama, three thousand three hundred dollars.

SEC. 2. *And be it further enacted,* That the several appropriations herein before made, shall be paid out of any moneys in the Treasury, not otherwise appropriated.—[Approved, April 14, 1820.]

An Act to continue in force the act passed on the twentieth day of April, one thousand eight hundred and eighteen, entitled "An act supplementary to an act, entitled 'An act to regulate the collection of duties on imports and tonnage,' passed the second day of March, one thousand seven hundred and ninety-nine," and for other purposes.

Be it enacted, &c., That the act passed on the twentieth day of April, in the year one thousand eight hundred and eighteen, entitled "An act supplementary to an act entitled 'An act to regulate the collection of duties on imports and tonnage, passed the second day of March, one thousand seven hundred and ninety-nine,'" shall continue in force for two years from the twentieth day of April, one thousand eight hundred and twenty, and from that time until the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted,* That, in all cases of entry of merchandise for the benefit of drawback, the time of twenty days shall be allowed, from the date of the clearance of the ship or vessel in which the same shall be laden, for completing the entry, and taking the oath required by law : *Provided,* That the exporter shall, in every other particular, comply with the regulations and formalities heretofore established for entries of exportation for the benefit of drawback.

Approved, April 18, 1820.

An Act to establish a District Court in the State of Alabama.

Be it enacted, &c., That all the laws of the United States, which are not locally inapplicable, shall be extended to the State of Alabama, and shall have the same force and effect within the same, as elsewhere within the United States.

Public Acts of Congress.

SEC. 2. *And be it further enacted,* That the said State shall be one district, and be called the Alabama district; and a district court shall be held therein, to consist of one Judge, who shall reside in the said district, and be called the district judge. He shall hold, alternately, at the towns of Mobile and Cahaba, beginning at the first, four stated sessions annually; the first to commence on the first Monday in April next, and the three other sessions, progressively, on the first Monday of every third calendar month thereafter. He shall, in all things, have and exercise the same jurisdiction and powers which were by law given to the judge of the Kentucky district, under an act, entitled "An act to establish the judicial courts of the United States," and an act, entitled "An act in addition to the act, entitled 'An act to establish the judicial courts of the United States,' approved second March, one thousand seven hundred and ninety-three. He shall appoint clerks for the said district, who shall reside, and keep the records of the court, at the places of holding the same; and shall receive, for the services performed by them, the same fees to which the clerk of the Kentucky district is entitled for similar services.

SEC. 3. *And be it further enacted,* That all causes, actions, indictments, libels, pleas, processes, and proceedings whatsoever, returnable, commenced, depending, or in any manner existing, in the general court, established by an act, entitled "An act to establish a separate territorial government for the eastern part of the Mississippi Territory," by virtue of the federal jurisdiction by that act granted, be, and the same are hereby transferred to the said district court, and may be proceeded in, shall exist, and have like incidents and effects, as if they had been originated, and been proceeded in, in the said district court.

SEC. 4. *And be it further enacted,* That the dockets, books, records, and papers, belonging to the said general court, arising out of, and appertaining to, its federal jurisdiction, shall be transferred to, and become the dockets, books, records, and papers, of the said district court.

SEC. 5. *And be it further enacted,* That there shall be allowed to the judge of the said district court the annual compensation of fifteen hundred dollars, to commence from the date of his appointment, to be paid quarter yearly, at the Treasury of the United States.

SEC. 6. *And be it further enacted,* That there shall be appointed, in the said district, a person learned in the law, to act as Attorney for the United States; who shall, in addition to his stated fees, be paid by the United States two hundred dollars annually, as a full compensation for all extra services.

SEC. 7. *And be it further enacted,* That a marshal shall be appointed for the said district, who shall perform the same duties, be subject to the same regulations and penalties, and be entitled to the same fees, as are prescribed to marshals in other districts; and shall, moreover, be entitled to the sum of two hundred and fifty dollars annually, as a compensation for all extra services.

Approved, April 21, 1820.

An Act relative to the Arkansas Territory.

Be it enacted, &c., That the act of Congress, passed on the fourth day of June, one thousand eight hundred and twelve, providing for the government of the Territory of Missouri, as modified by the act of Congress passed on the twenty-ninth day of April, one thousand eight hundred and sixteen, entitled An act to alter certain parts of the act aforesaid, shall be considered as applicable to the government of the Territory of Arkansas, and shall have reference to the proceedings of the said Territory, in organization of the second grade of the territorial government assumed by said Territory, under an act of Congress of the second March, one thousand eight hundred and nineteen, establishing the Territory of Arkansas; and all and every step, taken under the last mentioned act, shall be considered valid, if not inconsistent with the three before recited acts taken together.

Approved, April 21, 1820.

An Act to authorize the Secretary of State to cause the laws of the Michigan Territory to be printed and distributed, and for other purposes.

Be it enacted, &c., That the laws of the Michigan Territory in force, shall be printed, under the direction of the Secretary of State; and that a competent number of copies thereof shall be distributed among the people of said Territory, as the Governor and Judges thereof shall direct: *Provided,* That the expense of such printing shall not exceed twelve hundred and fifty dollars.

SEC. 2. *And be it further enacted,* That fifteen sets of the laws of the United States, which were compiled by order of Congress, and published by Bioren and Duane, in one thousand eight hundred and fifteen, shall be transmitted by the Secretary of State, to said Territory, to be distributed therein, as the local government thereof may direct.

Approved, April 24, 1820.

An Act making further provision for the sale of the Public Lands.

Be it enacted, &c., That, from and after the first day of July next, all the public lands of the United States, the sale of which is, or may be, authorized by law, shall, when offered at public sale, to the highest bidder, be offered in half quarter sections; and, when offered at private sale, may be purchased, at the option of the purchaser, either in entire sections, half sections, quarter sections, or half quarter sections; and in every case of the division of a quarter section, the line for the division thereof shall run north and south, and the corners and contents of half-quarter sections, which may thereafter be sold, shall be ascertained in the manner, and on the principles, directed and prescribed by the second section of an act, entitled "An act concerning the mode of surveying the public lands of the United States," passed on the eleventh day of February, eighteen hundred and five; and fractional sections, containing one hundred and sixty acres, or upwards, shall, in like manner, as nearly as practicable, be subdivided into half quarter sections, under such rules and regulations as may

be prescribed by the Secretary of the Treasury; but fractional sections, containing less than one hundred and sixty acres, shall not be divided, but shall be sold entire: *Provided*, That this section shall not be construed to alter any special provision made by law for the sale of land in town lots.

SEC. 2. *And be it further enacted*, That credit shall not be allowed for the purchase money on the sale of any of the public lands which shall be sold after the first day of July next, but every purchaser of land sold at public sale thereafter, shall, on the day of purchase, make complete payment therefor; and the purchaser at private sale shall produce to the register of the land office, a receipt from the Treasurer of the United States, or from the receiver of public moneys of the district, for the amount of the purchase money on any tract, before he shall enter the same at the land office; and if any person, being the highest bidder, at public sale, for a tract of land, shall fail to make payment therefor, on the day on which the same was purchased, the tract shall be again offered at public sale, on the next day of sale, and such person shall not be capable of becoming the purchaser of that or any other tract offered at such public sales.

SEC. 3. *And be it further enacted*, That, from and after the first day of July next, the price at which the public lands shall be offered for sale, shall be one dollar and twenty-five cents an acre; and at every public sale, the highest bidder, who shall make payment as aforesaid, shall be the purchaser; but no lands shall be sold, either at public or private sale, for a less price than one dollar and twenty-five cents an acre; and all the public lands which shall have been offered at public sale before the first day of July next, and which shall then remain unsold, as well as the lands that shall thereafter be offered at public sale, according to law, and remain unsold at the close of such public sale, shall be subject to be sold at private sale, by entry at the land office, at one dollar and twenty-five cents an acre, to be paid at the time of making such entry as aforesaid, with the exception, however, of the lands which may have reverted to the United States, for failure in payment, and of the heretofore reserved sections for the future disposal of Congress, in the States of Ohio and Indiana, which shall be offered at public sale, as hereinafter directed.

SEC. 4. *And be it further enacted*, That no lands which have reverted, or which shall hereafter revert and become forfeited to the United States, for failure in any manner to make payment, shall, after the first day of July next, be subject to entry at private sale, nor until the same shall have been first offered to the highest bidder at public sale; and all such lands, which shall have reverted before the said first day of July next, and which shall then belong to the United States, together with the sections, and parts of sections, heretofore reserved for the future disposal of Congress, which shall, at the time aforesaid, remain unsold, shall be offered at public sale to the highest bidder, who shall make payment therefor, in half quarter sections, at the land office for the respective districts, on such day or days as shall, by proclamation of

the President of the United States, be designated for that purpose; and all lands which shall revert and become forfeited for failure of payment after the said first day of July next, shall be offered, in like manner, at public sale, at such times as the President shall, by his proclamation, designate for the purpose: *Provided*, That no such lands shall be sold at any public sales hereby authorized, for a less price than one dollar and twenty-five cents an acre, nor on any other terms than that of cash payment; and all the lands offered at such public sales, and which shall remain unsold at the close thereof, shall be subject to entry at private sale, in the same manner, and at the same price, with the other lands sold at private sale at the respective land offices.

SEC. 5. *And be it further enacted*, That the several public sales authorized by this act shall, respectively, be kept open for two weeks, and no longer; and the registers of the land office, and the receivers of public money, shall each, respectively, be entitled to five dollars for each day's attendance thereon.

SEC. 6. *And be it further enacted*, That, in every case hereafter, where two or more persons shall apply for the purchase, at private sale, of the same tract, at the same time, the register shall determine the preference, by forthwith offering the tract to the highest bidder.

Approved, April 24, 1820.

An Act in addition to several acts for the establishment and regulation of the Treasury, War, and Navy Departments.

Be it enacted, &c., That it shall be the duty of the Secretary of the Treasury, to cause to be carried to the account of the surplus fund any moneys appropriated for the Department of War, or of the Navy, which may remain unexpended in the Treasury, or in the hands of the Treasurer, or agent for those Departments, whenever he shall be informed, by the Secretaries of those Departments, that the object for which the appropriation was made has been effected. And it shall be the duty of the Secretaries of War and Navy Departments, to cause any balance of moneys drawn out of the Treasury, which shall remain unexpended, after the object for which the appropriation was made shall be effected, to be repaid to the Treasury of the United States; and such moneys, when so repaid, shall be carried to the surplus fund.

SEC. 2. *And be it further enacted*, That it shall be the duty of the Secretaries of the War and Navy Departments to lay before Congress, on the first day of February, of each year, a statement of the appropriations of the preceding year, for their Departments, respectively, showing the amount appropriated under each, and the balance remaining unexpended, either in the Treasury, or in the Treasurer's hands, as agent of the War or Navy Departments, on the thirty-first December preceding: And it shall be further the duty of the Secretaries aforesaid, to estimate the probable demands which may remain on each appropriation and the balance shall be deducted from the esti-

mates of their Departments, respectively, for the service of the current year; and accounts shall also be annually rendered, in manner and form as aforesaid, exhibiting the sums expended out of the estimates aforesaid, and the balance, if any, which may remain on hand, together with such information, connected with the same, as shall be deemed proper. And whenever any moneys, appropriated to the Department of War, or of the Navy, shall remain unexpended, in the hands of the Treasurer, as agent of either of those Departments, for more than two years after the expiration of the calendar year in which the act of appropriation shall have been passed, or to which it refers, it shall be the duty of the Secretary of such Department to inform the Secretary of the Treasury of the fact, and the Secretary shall thereupon cause such moneys to be carried to the account of the surplus fund: *Provided*, That, when an act making an appropriation shall assign a longer duration for the completion of its object, no transfer of any unexpended balance, to the account of the surplus fund, shall be made, until the expiration of the time fixed in such act.

SEC. 3. *And be it further enacted*, That, in the settlement of the accounts of the War Department, for services or supplies accruing prior to the first of July, one thousand eight hundred and fifteen, the expenditures shall be charged to arrearages, and the balances of public money hereafter recovered out of advances made in the War Department, for service or supplies, prior to the date aforesaid, shall be returned to the Treasury, and, by the Secretary of the Treasury, be carried to the surplus fund.

SEC. 4. *And be it further enacted*, That nothing contained in the act of March third, one thousand eight hundred and nine, entitled "An act further to amend the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," shall be so construed as to allow any appropriation whatever for the service of one year to be transferred to another branch of expenditure in a different year, nor shall any appropriations be deemed subject to be transferred under the provisions of the abovementioned act, after they shall have been placed in the hands of the Treasurer, as agent of the War or Navy Departments.

SEC. 5. *And be it further enacted*, That the abovementioned act, of the third of March, one thousand eight hundred and nine, shall be, and the same is hereby, so amended, that the President shall be authorized to direct a portion of the moneys appropriated for any one of the following branches of expenditures in the Military department, viz: For the subsistence of the Army, for forage, for the medical and hospital departments, for the quartermaster's department, to be applied to any of the above mentioned branches of expenditure in the same department; and that the President shall be also further authorized, to direct a portion of the moneys appropriated for any of the following branches of the Naval department, viz: For provisions, for medicine and hospital stores, for repairs of vessels, for clothing, to be applied to any other

of the above mentioned branches of expenditure in the same department; and that no transfers of appropriation, from or to other branches of expenditure, shall be hereafter made.

SEC. 6. *And be it further enacted*, That no contract shall hereafter be made by the Secretary of State, or of the Treasury, or of the Department of War, or of the Navy, except under a law authorizing the same, or under an appropriation adequate to its fulfilment; and excepting, also, contracts for the subsistence and clothing of the Army or Navy, and contracts by the quartermaster department, which may be made by the Secretaries of those departments.

SEC. 7. *And be it further enacted*, That no land shall be purchased on account of the United States, except under a law authorizing such purchase.

SEC. 8. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury to annex to the annual estimates of the appropriations required for the public service, a statement of the appropriations for the service of the year which may have been made by former acts; and also a statement of the sums remaining in the Treasury, or in the hands of the Treasurer, as agent of the War and Navy Departments, from the appropriations of former years, estimating the amount of those sums which will not be required to defray expenses incurred in a previous year, and showing the whole amount which will be subject to the disposition of the Executive Government in the year to which the estimates apply.

SEC. 9. *And be it further enacted*, That the second section of the act, entitled "An act making appropriation for the payment of the arrearages which have been incurred for the support of the Military Establishment previous to the first day of January, one thousand eight hundred and seventeen," passed on the sixteenth day of February, one thousand eight hundred and eighteen, be, and is hereby, repealed.—[Approved, May 1, 1820.]

An Act in addition to an act, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," passed on the eighteenth day of March, one thousand eight hundred and eighteen.

Be it enacted, &c., That no person who now is, or hereafter may be, placed on the pension list of the United States, by virtue of the act, entitled "An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war," passed on the eighteenth day of March, one thousand eight hundred and eighteen, shall, after the payment of that part of the pension which became due on the fourth day of March, one thousand eight hundred and twenty, continue to receive the pension granted by the said act, until he shall have exhibited to some court of record in the county, city, or borough, in which he resides, a schedule, subscribed by him, containing his whole estate and income, (his necessary clothing and bedding excepted,) and shall have (before the said court, or one of the judges thereof) taken and subscribed, and produced to the said

Public Acts of Congress.

court, the following oath or affirmation, to wit: "I, A. B., do solemnly swear or affirm, (as the case may be,) that I was a resident citizen of the United States on the eighteenth day of March, one thousand eight hundred and eighteen, and that I have not, since that time, by gift, sale, or in any manner whatever, disposed of my property, or any part thereof, with intent thereby so to diminish it as to bring myself within the provisions of an act of Congress, entitled 'An act to provide for certain persons engaged in the land and naval service of the United States in the Revolutionary war,' passed on the eighteenth day of March, one thousand eight hundred and eighteen, and that I have not, nor has any person in trust for me, any property or securities, contracts or debts, due to me; nor have I any income, other than what is contained in the schedule hereto annexed, and by me subscribed;" nor until such person shall have delivered, or caused to be delivered, to the Secretary of War, a copy of the aforesaid schedule and oath or affirmation, certified by the clerk of the court to which the said schedule was delivered, together with the opinion of the said court, also certified by their clerk, of the value of the property contained in the said schedule: *Provided*, That, in every case in which the pensioner may be insane, or incapable of taking an oath, the court may receive the said schedule without the aforesaid oath or affirmation, from the committee, or other person authorized to take care of such person.

SEC. 2. *And be it further enacted*, That the original schedule, or oath or affirmation, shall be filed in the clerk's office of the court to which the schedule, and oath or affirmation aforesaid shall be exhibited; and any person who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for wilful and corrupt perjury.

SEC. 3. *And be it further enacted*, That, on the receipt of the copy of the schedule and oath, or affirmation aforesaid, it shall be the duty of the Secretary of the War Department to cause to be struck, from the list of pensioners under the said act, the name of such person, in case the said person shall not, in his opinion, be in such indigent circumstances as to be unable to support himself without the assistance of his country: *Provided*, That every person who shall have been placed on the pension list in consequence of disability, from known wounds received in the Revolutionary war, and who shall have relinquished such pension in order to avail themselves of the benefit of the provisions of the act, to which this is an amendment, who, by virtue of this section, may be stricken from the pension list, shall be forthwith restored to the pension so relinquished.

Approved, May 1, 1820.

An Act to increase the allowance of the Judges of the Orphans' Court in the counties of Washington and Alexandria.

Be it enacted, &c., That, from and after the passing of this act, the judge of the orphans' court for the county of Washington, in the District of Columbia, and the judge of the orphans' court for the

county of Alexandria, in the same District, shall, each, be entitled to receive, in lieu of his present compensation, the sum of six dollars for every day he shall attend in the execution of his office; to be paid in the same manner as is now by law directed.

Approved, May 1, 1820.

An Act confirming the proceedings of the inhabitants of the village of Cahokia, in the State of Illinois, in laying out a town on the commons of said village.

Be it enacted, &c., That the proceedings of the inhabitants of the village of Cahokia, in the State of Illinois, by their agents, Jesse B. Thomas, John Hay, John Hays, Nicholas Jarrot, and Francis Turcotte, in laying out a town called Illinois city, on one of the tracts of land confirmed to them as a common, by an act of Congress, passed on the twentieth February, one thousand eight hundred and twelve, and the distribution made by the said agents, of the lots, amongst the inhabitants of the said village of Cahokia, be, and the same are hereby, confirmed.

SEC. 2. *And be it further enacted*, That the said Jesse B. Thomas, John Hay, John Hays, Nicholas Jarrot, and Francis Turcotte, or any three of them, be, and they are hereby, authorized to convey, by deed, in fee simple, the lots that have heretofore been distributed as aforesaid, to those persons, or their legal representatives, to whom distribution as aforesaid was made.

Approved, May 1, 1820.

An Act concerning the Banks of the District of Columbia.

Be it enacted, &c., That the charters of the several incorporated banks in the District of Columbia, now paying specie, and during such time only as such banks respectively shall continue to pay specie, be, and the same are hereby, extended to the first day of June, one thousand eight hundred and twenty-two, any thing in the said charters to the contrary notwithstanding; and the charter of the Bank of Columbia be, and the same is hereby declared to be, limited in its duration, to the said first day of June, one thousand eight hundred and twenty-two: *Provided*, That this act shall be of no force or effect to extend any charter aforesaid, till a majority in interest of the stockholders of the several banks, whose charters may be hereby extended, shall file their declarations, in writing, in the office of the Secretary of the Treasury, assenting to, and accepting the benefit of this act.

Approved, May 4, 1820.

An Act further to regulate the Medical Department of the Army.

Be it enacted, &c., That the Apothecary General, and the Assistant Apothecaries General, shall severally give bonds to the United States, with good and sufficient security, for the faithful performance of their duties, in such sums as shall be required by the Surgeon General of the Army, under the direction of the War Department.

Approved, May 8, 1820.

An Act for the benefit of the Columbian Institute, established for the promotion of Arts and Sciences, in the City of Washington.

Be it enacted, &c., That there be granted, during the pleasure of Congress, to the Columbian Institute for the promotion of Arts and Sciences, the use and improvement of a tract of public land in the City of Washington, not exceeding five acres, to be located under the direction of the President of the United States, for the purpose of enabling the said Columbian Institute to effect the object of their incorporation: *Provided,* That whenever the said Institute shall be dissolved, or cease to exist, or to employ the said tract of land for the purposes aforesaid, all right, title, and interest, hereby granted to the same, shall revert to, and vest in, the United States, as completely as if such grant had never been made.

Approved, May 8, 1820.

An Act to establish additional Land Offices in the States of Alabama and Illinois.

Be it enacted, &c., That, for the sale of the unappropriated public lands in the State of Alabama, the following districts shall be formed, and land offices therefor established: All the public lands, as aforesaid, bounded on the north by the line which separates townships numbered fourteen and fifteen, in the district of Huntsville; on the south, by the line which separates townships twenty-two and twenty-three, in the district of Cahaba, and the district east of Pearl river; and on the east and west, by the lines of the State of Alabama; shall form a district, for which a land office shall be established at Tuscaloosa. And all the public lands, as aforesaid, bounded on the south, by the southern boundary of the State of Alabama; on the west, by the line separating ranges four and five, east of the basis meridian, to the line separating townships five and six north, in the district of Cahaba; thence, east, with said line, to the line separating ranges twenty and twenty-one; thence, north, with said line, to the line separating townships eleven and twelve; thence, east, with said line, to the eastern boundary of the State of Alabama, and bounded on the east by the eastern boundary of said State; shall form a district, for which a land office shall be established at Conecuh Courthouse.

SEC. 2. And be it further enacted, That so much of the public land, heretofore included in the Shawneetown land district, as lies east of the third principal meridian, north of the base line, and west of the range line, between ranges numbered eight and nine, east of the said third principal meridian, shall constitute a separate land district; and, for the sale of the public lands therein, there shall be a land office established at Vandalia, the seat of government for the State of Illinois.

SEC. 3. And be it further enacted, That so much of the public land as lies north of the base line, east of the aforesaid range line, and west of the Big Wabash river, as lies in the State of Illinois, shall also constitute a separate land district; and for the sale of the public lands, there shall be a

land office established at the town of Palestine, on the Wabash river.

SEC. 4. And be it further enacted, That there shall be a register and receiver appointed to each of the aforesaid land offices, to superintend the sales of the public lands in their respective districts, who shall reside at the places designated in their respective districts, at which the offices are fixed, give security in the same manner, in the same sums, and whose compensation, emoluments, and duties, and authority, shall, in every respect, be the same, in relation to the lands which shall be disposed of at their offices, as are or may be by law provided in relation to the registers and receivers of public moneys in the several offices established for the sale of the public lands.

SEC. 5. And be it further enacted, That the provisions of the second, third, and fifth sections of the act, entitled "An act to designate the boundaries of districts, and establish land offices, for the disposal of the public lands, not heretofore offered for sale, in the States of Ohio and Indiana," approved March the third, eighteen hundred and nineteen, be, and the same are hereby, made applicable to the aforesaid districts and offices, so far as they are not changed by subsequent laws of the United States.

Approved, May 11, 1820.

An Act to revive the powers of the Commissioners for ascertaining and deciding on claims to land in the district of Detroit, and for settling the claims to land at Green Bay and Prairie des Chiens, in the Territory of Michigan.

Be it enacted, &c., That the powers of the commissioners, for ascertaining and deciding on the rights of persons claiming lands in the district of Detroit, as defined by the second section of an act, entitled "An act to authorize the granting of patents for land, according to the surveys that have been made, and to grant donation rights to certain claimants of land in the district of Detroit, and for other purposes," passed on the twenty-third of April, one thousand eight hundred and twelve, shall be, and are hereby, revived. And the said commissioners shall perform the duties therein prescribed, in relation to the claims which have been filed with the register of the land office for the said district, in pursuance of the act, entitled "An act allowing further time for entering donation rights to lands in the district of Detroit." And the said commissioners shall also have power to examine and decide, according to the laws respecting the same, the claims which have been filed with the register of the land office, and not heretofore decided on; and they shall transmit their report, and transcripts of their decisions, to the Secretary of the Treasury, to be laid before Congress, in the manner directed by former laws providing for the adjustment of such claims.

SEC. 2. And be it further enacted, That the said commissioners shall be, and they are hereby, authorized to employ, with the approbation of the Secretary of the Treasury, a person capable of translating the French language, as an agent, for

Public Acts of Congress.

the purpose of ascertaining the titles and claims to land at the settlements of Green Bay and Prairie des Chiens. It shall be the duty of the said agent to give public notice, at each of the said settlements, of the time and place therein at which he shall attend for the purpose of receiving notices and evidences of titles and claims to lands within the same. And every person having title or claim to lands within the settlements aforesaid, shall produce the evidence of his title or claim to the said agent, who shall record the same in books to be kept for that purpose. And, after the said agent shall have remained at the places aforesaid a time sufficient for the inhabitants to produce the evidence of their claims, he shall make his report thereof to the said commissioners, who shall have power to examine and decide on the claims so reported to them, according to the laws for adjusting and settling the claims to land in the district of Detroit, except that which relates to donations of vacant land adjacent to the land confirmed, shall not be considered applicable to claims in the settlements aforesaid. And the said commissioners shall transmit their report, and transcripts of their decisions, to the Secretary of the Treasury, on or before the first of October, in the year one thousand eight hundred and twenty-one, to be laid before Congress at their next session thereafter, in the same manner as was directed by law in respect to the claims to lands in the district of Detroit.

SEC. 3. *And be it further enacted*, That the agent aforesaid shall take an oath for the faithful discharge of the duties enjoined on him; and he shall conform, in discharging the said duties, to such general instructions as shall be given him by the Secretary of the Treasury; and the said commissioners and agent shall each receive five hundred dollars, as full compensation for the services to be performed under this act, together with the recording fees to the agent, and allowance to the register, for a certificate of confirmation for donation rights, provided for by former laws.

Approved, May 11, 1820.

An Act for the relief of certain settlers in the State of Illinois, who reside within the Vincennes land district.

Be it enacted, &c., That every person who would have been entitled to the right of pre-emption, according to the provisions of the act entitled "An act giving the right of pre-emption in the purchase of lands to certain settlers in the Illinois Territory," passed February fifth, one thousand eight hundred and thirteen, provided said act had been so construed as to embrace those who were living within the limits of the Vincennes land district, and who became the purchaser, at public sale, of the said land, to which the right of pre-emption would have so attached, at more than two dollars per acre, shall be entitled to a certificate for the amount so paid, or to be paid, exceeding two dollars per acre, from the register of the land office at Vincennes; which certificate shall be receivable in payment of any debt due to the United States on account of the sale of public land: *Provided*,

however, That it shall be the duty of every person claiming the benefit of this act to prove, to the satisfaction of the register and receiver of the land office at Vincennes, that they are entitled thereto, according to its true intent and meaning.

SEC. 2. *And be it further enacted*, That every person who would have been entitled to the right of pre-emption, in the said Vincennes district, according to the provisions of the said recited act, passed the fifth day of February, eighteen hundred and thirteen, had it been so construed as to embrace them, and who did not become the purchaser of any tract of land, to which such right of pre-emption would have attached, shall be allowed till the first day of September next, to prove, to the satisfaction of the register and receiver at Vincennes, that they would have been so entitled; and it shall be the duty of the register, when the satisfaction aforesaid shall be made, to grant a certificate to every such person, or their legal representatives, stating therein that such person would have been entitled to such right of pre-emption, and that he did not become the purchaser thereof, neither at public nor private sale. And every such person, or his legal representatives, shall, upon producing such certificate to the register of any land office, in the State of Illinois, be allowed to enter one quarter section of land each, at the minimum price fixed by the United States, of any land which may be surveyed previous to the first day of September next, whether the same shall have been offered at public sale or not.

Approved, May 11, 1820.

An Act supplementary to the several acts for the adjustment of land claims in the State of Louisiana.

Be it enacted, &c., That the claims for lands within the eastern district of the State of Louisiana, described by the register and receiver of the said districts, in their report to the Commissioner of the General Land Office, bearing date the twentieth day of November, one thousand eight hundred and sixteen, and recommended in the said report for confirmation, be and the same are hereby confirmed against any claim on the part of the United States.

SEC. 2. *And be it further enacted*, That any person or persons, claiming lands within that part of Louisiana lying west of the river Mississippi, including the island of New Orleans, founded upon any Spanish grant, concession, or order of survey, and whose claims have not heretofore been filed in the proper office, may, from and after the first day of July next, and until the thirty-first day of December thereafter, deliver notices in writing, and the written evidences of their claims, to the register of the land district within which such lands may be situate, within the said State, and the said notices and evidences, so delivered, within the time limited by this act, shall, by the said registers, be recorded, in books to be kept for that purpose, for which service a compensation shall be received from such claimants, at the rate of twenty-five cents for every hundred words. And the rights of such persons as shall neglect so doing, within the time limited

by this act, shall, so far as they are derived from, or founded on, any act of Congress, ever after be barred, and become void, and the evidences of their claims never after admitted as evidence in any court of the United States, against any grant derived from the United States.

SEC. 3. *And be it further enacted*, That the said registers shall, on the first day of January next, make to the Secretary of the Treasury a report of all the claims filed in their respective offices, in pursuance of the provisions of this act, together with the substance of the evidence in support thereof, with their opinion of the credit to which such evidence is entitled.

SEC. 4. *And be it further enacted*, That every person, or persons, claiming land within that part of Louisiana described in the preceding section, founded upon any Spanish grant, concession, or order of survey, who had filed their notices of claims in the proper office, according to former laws, and whose claims have not been confirmed, may, at any time before the thirty-first day of December next, deliver additional written evidence, or other testimony, in support of their claims, the notice of which had been filed as aforesaid, to the said registers, and the evidence so delivered or offered, shall be recorded in books to be kept for that purpose, for which service a compensation shall be received, from such claimants, at the rate of twenty-five cents for every hundred words. And the rights of such persons as shall neglect so doing, within the time limited by this act, shall, so far as they are derived from, or founded on, any act of Congress, ever after be barred and become void, and the evidences of their claims never after admitted as evidence in any court of the United States against any grant derived from the United States.

SEC. 5. *And be it further enacted*, That the said registers shall, on the first day of January next, make to the Secretary of the Treasury a report of the claims in which additional evidence shall have been filed in their respective offices, together with the substance of the evidence so filed, with their opinion of the credit to which such evidence is entitled, and such other information as the examination of such cases, under any former law, may have placed in their power or possession.

SEC. 6. *And be it further enacted*, That it shall be the duty of the Secretary of the Treasury, as soon as the reports of the said registers shall be received, to proceed to the examination of the claims aforesaid, and to report to the two Houses of Congress a list of the cases which, in his opinion, ought to be confirmed, together with the reasons upon which his opinion may be founded: *Provided*, nevertheless, That no claim shall be so recommended for confirmation, which contains more than the quantity contained in a league square.

SEC. 7. *And be it further enacted*, That the fifth section of the act of the third day of March, eighteen hundred and eleven, entitled "An act providing for the final adjustment of claims to lands, and for the sale of the public lands in the Territories of Orleans and Louisiana, and to repeal the

act passed for the same purpose," and approved February sixteenth, one thousand eight hundred and eleven, be, and the same is hereby, revived and continued, for the term of two years from and after the passing of this act.

SEC. 8. *And be it further enacted*, That the said registers, in addition to the compensation herein prescribed, shall receive, in full for the services required of them, respectively, by this act, the sum of six hundred dollars, which shall be paid out of any money in the Treasury not otherwise appropriated.

Approved, May 11, 1820.

An Act extending the time allowed for the redemption of lands sold for direct taxes, in certain cases.

Be it enacted, &c., That the time allowed for the redemption of lands which have been or may be sold for the payment of taxes, under the act passed the ninth day of January, one thousand eight hundred and fifteen, so far as the same regards the direct tax of six millions of dollars, laid in that year: or under the act passed the fifth day of March, one thousand eight hundred and sixteen, so far as the same regards the direct tax of three millions of dollars, laid in that year, and purchased on behalf of the United States, be extended three years beyond the time heretofore allowed: *Provided*, That such extension of time shall not be beyond the first of June, one thousand eight hundred and twenty-one, and that, on such redemption, interest be paid at the rate of twenty per centum per annum on the taxes aforesaid, and additions of twenty per centum chargeable thereon; and the right to redeem shall inure as well to persons holding an equitable or revisionary interest in lands so purchased on behalf of the United States, as to the original owners thereof.

SEC. 2. *And be it further enacted*, That where any person or persons, who has or have purchased lands or tenements, sold for the non-payment of the direct tax, shall be entitled to have a deed for the same, but, from the death or removal of the collector, or from any other cause, there is no officer who, by the existing laws, is authorized to make a deed, it shall be lawful for such person or persons to apply, by petition, to the district judge of the district in which such lands or tenements are situate, setting forth the circumstances of the case, and, upon due proof being made, to the satisfaction of such judge, that such person or persons is or are a purchaser or purchasers as aforesaid, and has or have fully complied with all conditions of sale, and is or are entitled to have a deed, and that there is no officer who, by the existing laws, is authorized to make such deed, it shall be lawful for such judge, and he is hereby authorized and required, to order and direct the marshal of the district to make a deed to the purchaser or purchasers; which deed, being acknowledged in open court, and entered of record, shall have the same effect as if it had been made by the collector or other officer authorized by the laws heretofore or now in force.

Approved, May 11, 1820.

Public Acts of Congress.

An Act to amend the act, entitled "An act to provide for the publication of the laws of the United States, and for other purposes."

Be it enacted, &c., That the Secretary of State shall, as soon as conveniently may be, after he shall receive any order, resolution, or law, passed by Congress, except such orders, resolutions, and laws as are of a private nature, cause the same to be published in a number of public newspapers, not exceeding one in the District of Columbia, and in not more than three newspapers in each of the several States and Territories of the United States. And he shall also cause to be published, in like manner, in the said newspapers, all public treaties entered into and ratified by the United States, except Indian treaties, which shall be published only in one newspaper, and that to be within the limits of the State or Territory to which the subject-matter of such treaty shall belong.

SEC. 2. *And be it further enacted,* That the first section of the act, entitled "An act to provide for the publication of the laws of the United States, and for other purposes," approved the twentieth of April, one thousand eight hundred and eighteen, be, and the same is hereby, repealed: *Provided,* That such repeal shall not be construed to prevent the payment of any compensation that may be due for the publication of the laws, previous to the promulgation of this act.

Approved, May 11, 1820.

An Act authorizing the sale of thirteen sections of land, lying within the land district of Canton, in the State of Ohio.

Be it enacted, &c., That the thirteen sections of land, lying within the land district of Canton, in the State of Ohio, which were reserved for the use of certain persons of the Delaware tribe of Indians by an act of Congress, passed on the third day of March, one thousand eight hundred and seven, and were subsequently ceded to the United States by the eighteenth article of the treaty concluded on the twenty-ninth day of September, one thousand eight hundred and seventeen, shall be offered to public sale, by the register and receiver of the public moneys at the land office at Wooster, on such day or days as the President shall designate for that purpose, in the same manner, and on the same conditions and terms, as are provided by law for the sale of the public lands of the United States.

Approved, May 11, 1820.

An Act to alter the times of the session of the circuit and district courts in the District of Columbia.

Be it enacted, &c., That, from and after the first day of January next, instead of the times now provided by law, for the session of the circuit court in the District of Columbia, the same shall be holden at the times and places following, that is to say: At Washington, in and for the county of Washington, on the first Monday in October, and on the second Monday in April, in every year;

and in Alexandria, in and for the county of Alexandria, on the first Mondays in November and May, in every year.

SEC. 2. *And be it further enacted,* That, from and after the first day of July next, instead of the times now provided by law for the session of the district court for the District of Columbia, the same shall be holden on the first Mondays in December and June in every year.

Approved, May 11, 1820.

An Act to annex certain lands within the Territory of Michigan to the district of Detroit.

Be it enacted, &c., That all the public lands of the United States within the Territory of Michigan, to which the Indian title was extinguished by the treaty held and concluded at Saguna, in the said Territory, on the twenty-fourth day of September, in the year one thousand eight hundred and nineteen, shall be, and hereby are, attached to, and made part of, the district of Detroit, in the said Territory.

SEC. 2. *And be it further enacted,* That the lands aforesaid, to which the Indian title has been extinguished, and which have not been reserved or appropriated by existing laws or treaties, shall be surveyed and offered for sale, under the direction of the President of the United States, in the same manner, with the same reservations and exceptions, and upon the same terms and conditions in every respect, both at public and private sale, as are or may be provided by law for the disposal of the other public lands within the said district.

Approved, May 11, 1820.

An Act to establish a uniform mode of discipline and field exercise for the militia of the United States.

Be it enacted, &c., That the system of discipline and field exercise which is and shall be ordered to be observed by the regular army of the United States, in the different corps of infantry, artillery, and riflemen, shall also be observed by the militia, in the exercises and discipline of the said corps, respectively, throughout the United States.

SEC. 2. *And be it further enacted,* That so much of the act of Congress, approved the eighth day of May, one thousand seven hundred and ninety-two, as approves and establishes the rules and discipline of the Baron de Steuben, and requires them to be observed by the militia throughout the United States, be, and the same is hereby, repealed.

Approved, May 12, 1820.

An Act to alter and establish certain Post Roads.

Be it enacted, &c., That the following post roads be, and the same are hereby, discontinued, that is to say:

From Lilly Point to Halcyonville, in Virginia.
From Dublin to Jacksonville, in Georgia.
From Westport to Brunerstown, in Kentucky.
From Whitfield to Jefferson, in Maine.
From Chickasaw Agency to St. Stephens, in Mississippi.

From Choctaw Agency to Monticello; and from Natchez to Lake Pontchartrain, in the same State.

From Rhea Courthouse, Tennessee, to Fort Jackson, in Alabama.

From Haysville to Oxford, North Carolina.

From Waterborough to Barnwell Courthouse, in North Carolina.

From St. Charles, by Montgomery Courthouse, to Howard Courthouse.

From Franklin, Howard county, to Chariton.

From St. Charles, by Murphey's in St. John's settlement, to Howard Courthouse, in the Missouri Territory.

From Vassalboro' to Harlem, in Maine.

From Alna to Palermo.

From Dunstable to Piscataquay Bridge, in New Hampshire.

From Cahaba to St. Stephens.

SEC. 2. *And be it further enacted*, That the following be established post roads, that is to say :

In New Hampshire.—From Amherst, by Lyndborough and Greenfield, to Hancock.

That the post road from Keene to Richmond pass by Winchester.

From Keene, by Surry, Drewsville, and Langdon, to Charlestown.

From Dunstable, through Merrimack, by Bedford meeting-house and Piscataquay bridge, to Isle Hookset.

In Vermont.—From Danville to Montpelier, by Cabot, Marshfield, and Plainfield.

From Vergennes, by Panton, to Westport, in the State of New York.

From Stockbridge to Randolph.

In Maine.—From Alna, by East Pittston, to Whitfield.

From Alna to Gardiner.

From Sedgwick to Deer Island.

From Ellsworth, by Jordan's river school-house, in Trenton, to the towns of Eden and Mount Desert.

From Waldoborough, by Union, Hope, Searsmont, and Belmont, to Belfast.

From Gardiner, by Pittston, Whitfield, Malta, and Jefferson, to Waldoborough.

From New Portland, by Kingfield, to Freeman.

From Hallowell, by Malta, to Harlem.

In Massachusetts.—From Springfield, by Wilbraham, to Stafford Springs, in Connecticut.

From Sandwich, by Coaituit village, in West Barnstable, Thomas D. Scudder's, Yarmouth, and Dennis, to Harwick, on the south side of Cape Cod.

From Gloucester, by Essex, to Ipswich.

From Hanover, by Hanson, to East Bridge-water.

From Northfield, by Vernon, to Brattleborough, in Vermont.

From Salisbury to Amesbury.

From Taunton, by Raynham, to East Bridge-water.

In Connecticut.—From Derby, by Huntingdon, to Newtown.

From Woodbury, by Roxbury, to Warren.

From Hartford, by East Windsor, Ellington,

Somers, Wilbraham, and Ludlow, to Belchertown, in Massachusetts.

From New Haven, by Oxford, Southbury, Woodbury, and Washington, to Warren.

From Norwich to Colchester.

In New York.—From Batavia to Ridgeway.

From Windham, by Roxbury, to Stamford.

From Hopkinton to Keene.

From Mount Hope to Bloomingsburg.

From Moscow, by York, Caledonia, and Scottville, to Rochester.

From Dover to Sharon, in Connecticut.

From Porter, by Twelve Mile Creek, to Eighteen Mile Creek.

From Skeneateles, on the east side of Skeneateles Lake, by Spafford and Scott, to Courtland village.

From Luzerne, by Edinburgh, to Galway.

From Newton, by Catharine, and Cayuta, to Ithaca.

From Bath, by Upper Addison, Troupsburgh, Deerfield, and Elkland, to Batchelorville, in Pennsylvania.

From Constantia, by Cicero, and Salina, to Onondaga.

From Reading to Dresden, on Seneca Lake, thence, along the Lake, by Benton, to Geneva.

From Goshen, by Scotchtown, to Bloomingsburgh.

From Poughkeepsie, by New Poltz, and Bruynville, to Bloomingsburgh.

From Sullivan, by Cazenovia, and Woodstock, to De Ruyter.

In Pennsylvania.—That the post route from Philadelphia to Athens pass by Romig's Ferry and the mouth of Durham Creek to Easton.

From Bedford to Somerset.

From Harrisburgh, by Corbett's Mills, Jonestown, and Rohrsburg, to Hamburg.

From Catawisse, by Mifflinburg, to Nescopeck.

From Liverpool, by Mount Pleasant Mills, Freeburg, Middleburg, and New Berlin, to Mifflinburg.

From Reading, by Morgantown, to Downingtown.

From Emaus to Millerstown.

From White Horse, by Berlin, Connelssville, Middletown, Merrittstown, Jefferson, Waynesburg, and Morrisville, to Grave Creek Flats, in Virginia.

From Stroudsburg to Orwigsburgh.

From New Hope, by Lumberville, and Erwinna, to Romig's Ferry, near the mouth of Durham Creek.

From Kutztown, by Martztown, New Goshenhoppen, Seemanytown, Joseph Williams's, and Centre Square, to White Marsh.

In Maryland.—From Chesapeake, by Port Deposit, to Conewingo.

From Charlotte Hall, by the Three Notched Road, to Fenwick's Tavern.

From Havre-de-Grace to Woodlawn.

In Virginia.—From Bath Courthouse, by McClintock's, and Anthony's Creek, to Lewisburg.

From Staunton, by Greenville, and Fairfield, to Lexington.

Public Acts of Congress.

From Shepherdstown, by Leetown and Smithfield, to Winchester.

From West Liberty to Wellsburg.

From Lexington, by the Calf Pasture, to Faucett's, in Bath county.

From Timber Ridge, by North River, to Moorefield.

From Petersburg, by Southerland's Tavern, Lombardy, and Dennis' Tavern, to Jennings' Old Ordinary.

In North Carolina.—From Williamsboro', by Lynnesville, to Clarksville, in Virginia.

From Fayetteville by Waynesborough, to Stantonburg.

From Wadesborough, by Edward Winfield's, Culpepper's store, Jacob Austin's, Charles T. Alexander's, and Maxwell's store, to Charlotte.

From Charlotte, by Azrai Cockburn's and William Taylor's, to Wadesborough.

From Newbern, by Street's Bridge, Croom's Ferry, Hookerstown, Snowhill, and Stantonburg, to Smithfield.

From Lawrenceville, by McNeill's store, and Nicholas Nall's, to Pittsborough.

From Pittsborough, by D. Moffit's to Lawrenceville.

From Oxford, by Cannon and Young's store, to Clarksville, in Virginia.

From Danville, by William Rawling's, and Troublesome Iron Works, to Salem.

From Haysville, by Hawkins' Mills, and Chalk Level, to Williamsboro'.

In South Carolina.—From Columbia, by Richard Harrison's Store, to Bechamsville.

From Georgetown, by Black River, Bull Creek, and Pee Dee Ferries, to Conwayborough.

From Conwayborough, by Little River, and Smithville, to Wilmington, in North Carolina.

From Chester Courthouse, by Cedar Shoals, and McDonald's Ferry, to Lancaster Courthouse.

From John Thompson, Junr's, by Richard Howard's to Godfrey's Ferry, on Big Pee Dee river, or near the same.

That the mail from Lumberton, to Marion Courthouse, pass by the most eligible route, omitting Barfields, if necessary.

In Georgia.—From Hartford, by Jacksonville, to Perry's Mills, in Tatnal County.

That the mail route from Augusta to Savannah shall pass by Waynesborough.

From Poweltown, by Mount Zion and Eaton, to Monticello.

In Ohio.—From Coshocton to Wooster.

From Neville to Bethel.

That the mail from Marietta to Woodfield go by Regnier's Mills, in the town of Aurelius.

From Feestown, by Bethel, Williamsburg, Lebanon, and Ridgeville, to Dayton.

From Lebanon, by Springborough, and Ridgeville, to Xenia.

From West Union, by Decatur, Ripley, Bridgewater, Bethel, and Newton, to Cincinnati.

From Greenville to Winchester, in Indiana.

From Irville to Mount Vernon.

From Piketon, by Robert Bennett's and Asa

Boynton's, to Burlington, on the north side of the Ohio river.

From Norwalk, in the county of Huron, to Lower Sandusky, in the State of Ohio.

In Kentucky.—From Falmouth, by Theobald's, to Fredericksburg.

From Whiteley Courthouse, by Colonel Ross's, to Monticello.

That the post road from Mount Sterling to Prestonburg, pass by the Olympian Springs, and Beaver Iron Works, in Bath county.

That the post road from the Great Crossings, to the mouth of Cedar, pass by Heslersville, in Owen county.

From Richmond to Estill Courthouse.

From Smithland, by America, in Illinois, to Cypress, in Kentucky.

From Richmond, by Big Hill, to Hazle Patch.

From Estill Courthouse, to Patrick's Salt Works, on the north fork of Kentucky river.

From New Castle, by Westport, and Bethlehem, to Charlestown, in Indiana.

From Stamping Grounds to Heslersville.

From Frankfort, by Heslersville, to Fort William.

From Shelbyville to New Castle.

In Tennessee.—From Knoxville, by Morgan Courthouse, to Overton Courthouse.

From Morgantown to Pumpkin Town, by the town of Calhoun, to Ross's, on the south side of Tennessee river.

From Murfreesborough to Shelbyville.

From Carthage, by Lancaster, and Harmony Grove, to Statesville.

From Kingston, by William White's, on Poplar Creek, to Clinton.

From Monroe, by Gainsborough, Williamsburg, and Beech Hill, to Carthage.

From Reynoldsburgh to the Lower Chickasaw Bluffs.

From Nashville, by Harpeth, and New Hope, to Fayetteville.

From Greenville to Greenville College, in the county of Greene.

From Sparta, by Allen's Ferry, and Liberty, to Statesville.

From Chickasaw Lower Bluff, to the post of Arkansas.

In Indiana.—From Palestine, by Hindostan, to Portersville.

From Madison to Versailles.

From Lawrenceburg, by Aurora, Hanover, and Rising Sun, to Vevay.

In Illinois.—From Kaskaskias, by the Irish Settlement, Covington, Carlisle, and Perrysville, to Vandalia.

From Illinois Saline, in Gallatin, to Golconda.

From York, by Aurora, to Terre Haute.

From Montgomery, by Brownsville, and Gill's Ferry, to Jackson, in Missouri Territory.

The mail from Cape Girardeau to Salem, Kentucky, shall pass by America.

From Carmi, by Mount Vernon, to Carlisle.

From Carmi, to Wayne Courthouse, and Jefferson Courthouse.

Public Acts of Congress.

From Palmyra, by Wayne Courthouse, Jefferson Courthouse, and Covington, to Belleville.

From America to Jonesborough.

In Mississippi.—From Natchez, by Franklin, Monticello, Covington, Wayne, and Winchester, to Fort St. Stephens.

From Fordsville to Shieldsboro'.

In Alabama.—From Tuscaloosa, by Marion County Courthouse, to Columbus.

From Burnt Corn Spring, by Connecuh Courthouse, to Fort Crawford.

From Huntsville, by Jackson Courthouse, and Lawrie's Ferry, to Ross's and Washington, in Tennessee.

From Cahawba, by Portland, Canton, Prairie Bluff, Black's Bluff, and Foster's, to Fort Claiborne.

From Mooreville, by Milton's Bluff, Courtland, Bainbridge, and Big Spring, to Russellville, in Franklin county.

From Cahawba, by Joseph Briton's, Old Town, Falls of Cahawba, King and Smith's store, Shelby Courthouse, David McLaughlin's, St. Clair Courthouse, Vincent Bennett's, the Cherokee Nation, by Ross's and James Patterson's, to Washington, in Tennessee.

From the town of Cahawba to the Falls of Cahawba, and to Tuscaloosa.

From Courtland to Moulton.

From St. Clair Courthouse to Carolsville.

In Missouri Territory.—From New Madrid to Point Pleasant.

From Louisiana, by Hanibal, to Palmyra.

From Louisiana to New London.

That the post road from Cape Girardeau to Winchester, pass by Edward Tanner's.

From St. Charles, by Marthasville, Montgomery Courthouse, Loutre Island, Cote Sans Dessein, Nashville, Smithton, John Grayum's, Franklin, Spanish Neekle Prairie, Chareton, William W. Monroe's, Grand River, Bloomfield, Missouriiton, and Bluffton, to Fort Osage.

From Fort Osage, by Mount Vernon, Tabbo, Little Osage Bottom, and Jefferson, to Chareton.

In Michigan Territory.—From Detroit, by Pontiac, to Mount Clemens.

Approved, May 13, 1820.

An Act fixing the time for the next meeting of Congress.

Be it enacted, &c., That, after the adjournment of the present session, the next meeting of Congress shall be on the second Monday of November next.

Approved, May 13, 1820.

An Act to limit the term of office of certain officers therein named, and for other purposes.

Be it enacted, &c., That, from and after the passing of this act, all district attorneys, collectors of the customs, naval officers, and surveyors of the customs, navy agents, receivers of public moneys for lands, registers of the land offices, paymasters in the Army, the apothecary general, the assistant

apothecaries general, and the commissary general of purchases, to be appointed under the laws of the United States, shall be appointed for the term of four years; but shall be removable from office at pleasure.

SEC. 2. *And be it further enacted,* That the commission of each and every of the officers named in the first section of this act, now in office, unless vacated by removal from office, or otherwise, shall cease and expire in the manner following: All such commissions bearing date on or before the thirtieth day of September, one thousand eight hundred and fourteen, shall cease and expire on the day and month of their respective dates, which shall next ensue after the thirtieth day of September next; all such commissions bearing date after the said thirtieth day of September, in the year one thousand eight hundred and fourteen, and before the first day of October, one thousand eight hundred and sixteen, shall cease and expire on the day and month of their respective dates, which shall next ensue after the thirtieth day of September, one thousand eight hundred and twenty-one. And all other such commissions shall cease and expire at the expiration of the term of four years from their respective dates.

SEC. 3. *And be it further enacted,* That it shall be lawful for the President of the United States, and he is hereby authorized, from time to time, as in his opinion the interest of the United States may require, to regulate and increase the sums for which the bonds required, or which may be required, by the laws of the United States, to be given by the said officers, and by all other officers employed in the disbursement of the public moneys under the direction of the War and Navy Departments, shall be given; and all bonds given in conformity with such regulations shall be as valid and effectual, to all intents and purposes, as if given for the sums respectively mentioned in the laws requiring the same.

SEC. 4. *And be it further enacted,* That the commissions of all officers employed in levying or collecting the public revenue shall be made out and recorded in the Treasury Department, and the seal of the said department affixed thereto; any law to the contrary notwithstanding: *Provided,* That the said seal shall not be affixed to any such commission before the same shall have been signed by the President of the United States.

Approved, May 15, 1820.

An Act to authorize the President of the United States to borrow a sum not exceeding three millions of dollars.

Be it enacted, &c., That the President of the United States be and he is hereby empowered to borrow, on the credit of the United States, a sum not exceeding three millions of dollars, at a rate of interest payable quarter yearly, not exceeding five per centum per annum, and reimbursable, at the will of the Government, at any time after the first day of January, one thousand eight hundred and thirty-two; or at a rate of interest, payable in like manner, not exceeding six per centum per annum,

and reimbursable at the pleasure of the United States; to be applied, in addition to the moneys now in the Treasury, or which may be received therein from other sources, during the present year, to defray any of the public expenses which are or may be authorized by law. The stock thereby created shall be transferrable in the same manner as is provided by law for the transfer of the public debt.

SEC. 2. *And be it further enacted*, That it shall be lawful for the Bank of the United States to lend the said sum, or any part thereof; and it is hereby further declared, that it shall be deemed a good execution of the said power to borrow, for the Secretary of the Treasury, with the approbation of the President of the United States, to cause to be constituted certificates of stock, signed by the Register of the Treasury, or by a Commissioner of Loans, for the sum to be borrowed, or for any part thereof, bearing an interest of five per centum per annum, transferrable and reimbursable as aforesaid, and to cause the said certificates of stock to be sold; *Provided*, That no stock be sold under par.

SEC. 3. *And be it further enacted*, That the Secretary of the Treasury be and he is hereby authorized, with the approbation of the President of the United States, to employ an agent or agents for the purpose of obtaining subscriptions to the loan authorized by this act, or of selling any part of the stock to be created by virtue thereof. A commission, not exceeding one-eighth of one per cent. on the amount thus sold, or for which subscriptions shall have been thus obtained, may, by the Secretary of the Treasury, be allowed to such agent or agents, and a sum, not exceeding four thousand dollars, to be paid out of any moneys in the Treasury not otherwise appropriated, is hereby appropriated for that object, and also for defraying the expenses of printing and issuing the subscription certificates, and certificates of stock, and other expenses incident to the due execution of this act.

SEC. 4. *And be it further enacted*, That so much of the funds constituting the annual appropriation of ten millions of dollars, for the payment of the principal and interest of the public debt of the United States, as may be sufficient for that purpose, after satisfying the sums necessary for the payment of the interest, and of such part of the principal of the said debt as the United States are now pledged annually to pay or reimburse, is hereby pledged and appropriated for the payment of the interest, and for the reimbursement of the principal of the stock which may be created by virtue of this act. It shall, accordingly, be the duty of the Commissioners of the Sinking Fund to cause to be applied and paid, out of the said fund, yearly, such sum and sums as may annually be necessary to discharge the interest accruing on the said stock, and may be discharged, in conformity with the terms of the loan. And they are further authorized to apply, from time to time, such sum or sums, out of the said fund, as they may think proper, towards discharging, by purchase, and at a price not above par, the principal of the said stock, or any part thereof. And the faith of the United States

is hereby pledged to establish sufficient revenues for making up any deficiency that may hereafter take place in the funds hereby appropriated for paying the said interest and principal sums, or any of them, in manner aforesaid.

Approved, May 15, 1820.

An Act to incorporate the inhabitants of the City of Washington, and to repeal all acts heretofore passed for that purpose.

Be it enacted, &c., That the act, entitled "An act to incorporate the inhabitants of the City of Washington, in the District of Columbia," and the act supplementary to the same, passed on the twenty-fourth of February, in the year one thousand eight hundred and four, and the act, entitled "An act further to amend the charter of the City of Washington," and all other acts or parts of acts, inconsistent with the provisions of this act, be, and the same are hereby, repealed: *Provided, however*, That the Mayor, the members of the Board of Aldermen, and members of the Board of Common Council of the corporation of the said city, shall and may remain and continue as such for and during the terms for which they have been respectively appointed, subject to the terms and conditions in such cases legally made and provided; and all acts or things done, or which may be done by them in pursuance to the provisions, or by virtue of the authority of the said acts, or either of them, and not inconsistent with the provisions of this act, shall be valid, and of as full force and effect as if the said acts had not have been repealed.

SEC. 2. *And be it further enacted*, That the inhabitants of the City of Washington shall continue to be a body politic and corporate, by the name of the "Mayor, Board of Aldermen, and Board of Common Council, of the City of Washington," to be elected by ballot, as hereinafter directed; and, by their corporate name, may sue and be sued, implead and be impleaded, grant, receive, and do all other acts as natural persons, and may purchase and hold real, personal, and mixed property, or dispose of the same, for the benefit of the city; and may have and use a city seal, and break and alter the same at pleasure.

SEC. 3. *And be it further enacted*, That the Mayor of the said city shall be elected on the first Monday in June next, and on the same day in every second year thereafter, at the same time and place, in the same manner, and by the persons qualified to vote for members of the Board of Aldermen and the Board of Common Council. That the commissioners hereinafter mentioned shall make out duplicate certificates of the result of the election of Mayor; and shall return one to the Board of Aldermen, and the other to the Board of Common Council, on the Monday next ensuing the election; and the person having the greatest number of votes shall be the Mayor; but in case two or more persons, highest in vote, shall have an equal number of votes, then it shall be lawful for the Board of Aldermen and the Board of Common Council to proceed, forthwith, by ballot, in joint meeting, to determine the choice between

such persons. The Mayor shall, on the Monday next ensuing his election, before he enters on the duties of his office, in the presence of the Boards of Aldermen and Common Council, in joint meeting, take an oath, to be administered by a justice of the peace, "lawfully to execute the duties of his office, to the best of his skill and judgment, without favor or partiality." He shall, *ex officio*, have and exercise all the powers, authority, and jurisdiction, of a justice of the peace for the county of Washington, within the said county. He shall nominate, and, with the consent of the Board of Aldermen, appoint to all offices under the corporation, (except commissioners of election,) and may remove any such officer from office at his will and pleasure. He shall appoint persons to fill up all vacancies which may occur during the recess of the Board of Aldermen, to hold such appointments until the end of the then ensuing session. He may convene the two Boards when, in his opinion, the public good may require it; and he shall lay before them, from time to time, in writing, such alterations in the laws of the corporation as he may deem necessary and proper; and he shall receive for his services, annually, a just and reasonable compensation, to be allowed and fixed by the two Boards, which shall neither be increased nor diminished during his continuance in office. Any person shall be eligible to the office of Mayor who is a free white male citizen of the United States, who shall have attained to the age of thirty years, who shall have resided in the said city for two years immediately preceding his election, and who shall be the bona fide owner of a freehold estate in the said city; and no other person shall be eligible to the said office. In case of the refusal of any person to accept the office of Mayor, upon his election thereto, or of his death, resignation, inability, or removal from the city, the said Boards shall assemble and elect another in his place, to serve for the remainder of the term, or during such inability.

SEC. 4. *And be it further enacted*, That the Board of Aldermen shall consist of two members, to be residents in, and chosen from, each ward, by the qualified voters therein, and to be elected for two years, from the Monday next ensuing their election; and the Board of Common Council shall consist of three members, to be residents in, and chosen from, each ward, by the qualified voters therein, and to be elected for one year, from the Monday next ensuing their election; and each Board shall meet at the Council Chamber, on the second Monday in June next, for the despatch of business, at ten o'clock in the morning, and at the same hour on the second Monday in June, in every year thereafter; and at such other times as the two Boards may, by law, direct. A majority of each Board shall be necessary to form a quorum to do business, but a less number may adjourn from day to day; they may compel the attendance of absent members in such manner, and under such penalties, and allow such compensation for the attendance of the members, as they may, by law, provide; each Board shall appoint its own President, who shall preside during its sessions, and who

shall be entitled to vote on all questions; they shall settle their rules of proceedings, appoint their own officers, regulate their respective compensations, and remove them at pleasure; and may, with the concurrence of three-fourths of the whole, expel any member for disorderly behavior, or misconduct in office, but not a second time for the same offence; each Board shall keep a journal of its proceedings, and the yeas and nays shall be entered thereon, at the request of any member; and their deliberations shall be public. All ordinances or acts, passed by the two Boards, shall be sent to the Mayor for his approbation, and, when approved by him, shall be obligatory as such. But, if the Mayor shall not approve of any ordinance or act, so sent to him, he shall return the same within five days, with his reasons in writing therefor; and if two-thirds of both Boards, on reconsideration thereof, agree to pass the same, it shall be in force, in like manner as if he had approved it; but, if the two Boards shall, by their adjournment, prevent its return, the same shall not be obligatory.

SEC. 5. *And be it further enacted*, That no person shall be eligible to a seat in the Board of Aldermen or Board of Common Council unless he shall be more than twenty-five years of age, a free white male citizen of the United States, and shall have been a resident of the City of Washington for one year next preceding the day of election, and shall, at the time of his election, be a resident of the ward for which he shall be elected, and be then the bona fide owner of a freehold estate in the said city, and shall have been assessed on the books of the corporation, for the year ending on the thirty-first of December next preceding the day of election. And every free white male citizen of the United States, of lawful age, who shall have resided in the City of Washington for one year next preceding the day of election, and shall be a resident of the ward in which he shall offer to vote, and who shall have been assessed, on the books of the corporation, for the year ending on the thirty-first day of December next preceding the day of election, and who shall have paid all taxes legally assessed and due on personal property, when legally required to pay the same, and no other person, shall be entitled to vote at any election for members of the two Boards. And it shall be the duty of the Register of the city, or such officer as the corporation may hereafter direct, to furnish the commissioners of election, in each ward, previous to opening the polls, at every election, a list of the persons having a right to vote, agreeably to the provisions of this section.

SEC. 6. *And be it further enacted*, That an election for members of the Board of Aldermen, and Board of Common Council, shall be held on the first Monday of June next, and on the first Monday in June annually thereafter; and all elections shall be held by three commissioners to be appointed in each ward, by the two boards in joint meeting, which appointment shall be at least ten days previous to the day of each election. And it shall be the duty of the commissioners so appointed to give at least five days' previous public notice

of the place in each ward where such elections are to be held. The commissioners shall, before they receive any ballot, severally take an oath or affirmation, to be administered by some justice of the peace for the county of Washington, "truly and faithfully to receive and return the votes of such persons as are by law entitled to vote for members of the Board of Aldermen and Board of Common Council, in their respective wards, according to the best of their judgment and understanding; and not knowingly to receive or return the vote of any person who is not legally entitled to the same." The polls shall be opened at ten o'clock in the morning, and be closed at seven o'clock in the evening of the same day. Immediately on closing the polls, the said commissioners for each ward, or a majority of them, shall count the ballots, and make out, under their hands and seals, a correct return of the persons having the greatest number of legal votes for members of the Board of Aldermen, and for members of the Board of Common Council, respectively, together with the number of votes given to each person voted for; and the persons having the greatest number of votes for the two Boards respectively, shall be duly elected, and, in all cases of an equality of votes, the commissioners shall decide the choice by lot. The said returns shall be delivered to the Mayor, on the day succeeding the election, who shall cause the result of the election to be published in some newspaper printed in the City of Washington; a duplicate return shall, together with a list of the persons who voted at such election, also be made on the day succeeding the election, to the register of the city, who shall preserve and record the same; and shall, within two days thereafter, notify the several persons, so returned, of their election. And each Board shall judge of the legality of the elections, returns, and qualifications, of its own members, and shall supply vacancies in its own body, by causing elections to be held to fill the same, and appoint commissioners to hold the same; and such commissioners shall give at least five days' public notice of the time and place of holding such elections; each of the members of either Board shall, before entering on the duties of his office, take an oath or affirmation "faithfully to execute the duties of his office, to the best of his knowledge and ability," which oath or affirmation shall be administered by the Mayor or some justice of the peace for the county of Washington.

SEC. 7. *And be it further enacted*, That the corporation aforesaid shall have full power and authority to lay and collect taxes upon the real and personal property within the said city, provided that no tax shall be laid upon real property, at a higher rate than three-quarters of one per centum on the assessment valuation thereof, except for the special purposes hereinafter provided; and that no tax shall be laid upon the wearing apparel, or necessary tools and implements used in carrying on the trade or occupation of any person; nor shall the same be subject to distress and sale for any tax; and, after providing for all objects of a general nature, the taxes raised on the assessable property in each ward shall be expended therein,

and in no other; to establish a board of health, with competent authority to enforce its regulations, and to establish such other regulations as may be necessary to prevent the introduction of contagious diseases, and for the preservation of the health of the city; to prevent and remove nuisances; to establish night-watches or patrols, and erect lamps in the streets; to preserve the navigation of the Potomac and Anacostia rivers adjoining the city; to erect, repair, and regulate public wharves, and to deepen creeks, docks, and basins; to regulate the manner of erecting, and the rates of wharfage at, private wharves; to regulate the stationing, anchorage, and mooring of vessels; to provide for licensing, taxing, and regulating auctions, retailers, ordinaries, and taverns, hackney-carriages, wagons, carts, and drays, pawn-brokers, venders of lottery tickets, money-changers, and hawkers and pedlars; to provide for licensing, taxing, regulating, or restraining theatrical or public shows and amusements; to restrain or prohibit tipling houses, lotteries, and all kinds of gaming; to regulate and establish markets; to erect and repair bridges; to open and keep in repair streets, avenues, lanes, alleys, drains, and sewers, agreeably to the plan of the city; to supply the city with water; to provide for the safe-keeping of the standard weights and measures as fixed by Congress, and for the regulation of all weights and measures used in the city; to regulate the sweeping of chimneys, and fix the rates or fees therefor; to provide for the prevention and extinguishment of fires; to regulate the size of bricks to be made or used, and provide for the inspection of lumber and other building materials to be sold in the city; to regulate, with the approbation of the President of the United States, the manner of erecting, and the materials to be used in the erection of houses; to regulate the inspection of tobacco, flour, butter, and lard, in casks or boxes, and salted provisions; to regulate the gauging of casks and liquors; the storage of gunpowder, and all naval and military stores, not the property of the United States; and the weight and quality of bread; to impose and appropriate fines, penalties, and forfeitures, for the breach of their laws or ordinances; and to provide for the appointment of inspectors, constables, and such other officers as may be necessary to execute the laws of the corporation.

SEC. 8. *And be it further enacted*, That the said corporation shall have full power and authority to lay taxes on particular wards, parts, or sections of the city, for their particular local improvements; and, upon the application of the owners of more than one half of the property upon any portion of a street, to cause the curb stones to be set, and the foot-ways to be paved, on such portion of a street, and to lay a tax on such property, to the amount of the expense thereof: *Provided*, That such tax shall not exceed three dollars per front foot; and, upon a like application, to cause the carriage way of any portion of a street to be paved, or lamps to be erected therein, and light the same, and lay a tax, not exceeding the whole expense thereof, in due proportion, on the lots fronting on such portion of a street, and, also, to impose an addition or in-

terest on the amounts of any such taxes, not exceeding ten per centum per annum, when the same shall not have been paid within thirty days after the same shall have become due. The said corporation shall also have power and authority to provide for the establishment and superintendence of public schools, and to endow the same; to establish and erect hospitals or pest-houses, watch, and work-houses, houses of correction, penitentiary, and other public buildings, and to lay and collect taxes for the expenses thereof; to regulate party or other walls and fences, and to determine by whom the same shall be kept in repair; to cause new alleys to be opened through the squares, and to extend those already laid out, upon the application of the owners of more than one-half the property in such squares: *Provided*, That the damages which may accrue thereby to any individual or individuals, shall be first ascertained by a jury, to be summoned and impanelled by the Marshal of the District of Columbia, (and it is hereby made his duty to summon and impanel the same, in all such cases, upon application to him in writing by the mayor of the city,) and such damages to be paid by the corporation; the amount thereof, and the expenses accruing shall be levied in due proportion upon the individuals whose property on such squares shall be benefited thereby, and collected as other taxes are; to occupy and improve, for public purposes, by and with the consent of the President of the United States, any part of the public and open spaces and squares in said city, not interfering with any private rights; to regulate the admeasurement and weight by which all articles brought into the city for sale shall be disposed of; to provide for the appointment of appraisers and measurers of builders' work and materials, and also of wood, coal, grain, and lumber; to restrain and prohibit the nightly and other disorderly meetings of slaves, free negroes, and mulattoes, and to punish such slaves by whipping, not exceeding forty stripes, or by imprisonment, not exceeding six months, for any one offence, and to punish such free negroes and mulattoes, by penalties, not exceeding twenty dollars for any one offence, and in case of the inability of any such free negro or mulatto to pay any such penalty and cost thereon, to cause him or her to be confined to labor for any time not exceeding six calendar months; to cause all vagrants, idle, or disorderly persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the corporation as paupers, or are found begging or drunk in or about the streets, or loitering in or about tipping houses, or who can show no reasonable cause of business or employment in the city, and all suspicious persons who have no fixed place of residence, or who cannot give a good account of themselves; all eavesdroppers and nightwalkers; all who shall be guilty of open profanity, or grossly indecent language or behaviour publicly in the streets; all public prostitutes, and such as lead a notoriously lewd or lascivious course of life, and all such as keep public gaming tables, or gaming houses, to give security for their good behaviour for a reason-

able time, and to indemnify the city against any charge for their support; and, in case of their refusal or inability to give such security, to cause them to be confined to labor until such security shall be given, not exceeding however one year at a time; but, if they shall be found again offending, the like proceedings may be again had, and, from time to time, as often as may be necessary; to enforce the departure of such vagrants and paupers as may come into the city to reside, unless they shall give ample security that they will not become chargeable on the corporation for their support; to provide for the binding out as apprentices of poor orphan children, and the children of drunkards, vagrants, and paupers; to prescribe the terms and conditions upon which free negroes and mulattoes may reside in the city; to authorize, with the approbation of the President of the United States, the drawing of lotteries for the erection of bridges, and effecting any important improvements in the city, which the ordinary revenue thereof will not accomplish, for the term of ten years: *Provided*, That the amount so authorized to be raised in each year shall not exceed the sum of ten thousand dollars, clear of expenses; to take care of and to regulate burial grounds; to provide for the registering of births, deaths, and marriages; to punish corporeally any colored servant or slave for a breach of any of their laws or ordinances, unless the owner or holder of such servant or slave shall pay the fine in such cases provided; and to pass all laws which shall be deemed necessary and proper for carrying into execution the powers vested by this act in the said corporation or its officers.

SEC. 9. *And be it further enacted*, That the Marshal of the District of Columbia shall receive and safely keep within the jail for the county of Washington, at the expense of the said corporation, all persons committed thereto under or by authority of the provisions of this act. And in all cases where suit shall be brought before a justice of the peace, for the recovery of any fine or penalty arising or incurred for a breach of any law or ordinance of the corporation, execution shall and may be issued as in all other cases of small debts.

SEC. 10. *And be it further enacted*, That real property, whether improved or unimproved, in the City of Washington, on which two or more years' taxes shall have remained due and unpaid, or on which any special tax, imposed by virtue of authority of the provisions of this act, shall have remained unpaid for two or more years after the same shall have become due, or so much thereof, not less than a lot, (when the property upon which the tax has accrued is not less than that quantity,) as may be necessary to pay any such taxes, with all legal costs and charges arising thereon, may be sold at public sale to satisfy the corporation therefor: *Provided*, That public notice be given of the time and place of sale, by advertising, once a week, in some newspaper printed in the City of Washington, for at least six months, where the property is assessed to persons residing out of the United States; for three months, where the property is assessed to persons residing in the United States,

but without the District of Columbia; and for six weeks, where the property is assessed to persons residing within the District of Columbia; in which advertisement shall be stated the number of the lot or lots, (if the square has been divided into lots,) the number of the square or squares, or other sufficient definite description of the property selected for sale, the name of the person or persons to whom the same may have been assessed, for the respective years' taxes due thereon, as also the name of the person to whom the same is assessed, and the aggregate amount of taxes due. The purchaser or purchasers of any such property shall pay, at the time of such sale, the amount of the taxes due on the property so purchased by him, her, or them, respectively, with the amount of the expenses of sale; and he, she, or they, shall pay the residue of the purchase money within ten days after the expiration of two years from the day of sale, to the collector of taxes, or other officer of the Corporation authorized to receive the same; and the amount of such residue shall be placed in the city treasury, where it shall remain, subject to the order of the original proprietor or proprietors, his, her, or their, legal representatives; and the purchaser or purchasers shall receive a title in fee simple, in and to the lot or lots so sold and purchased, under the hand of the Mayor and seal of the Corporation, which shall be deemed good and valid in law and equity: *Provided, nevertheless*, That if, within two years from the day of any such sale, or before such purchaser or purchasers shall have paid the residue of the purchase money as aforesaid, the proprietors of any property which shall have been sold as aforesaid, his, her, or their, heirs, agents, or legal representatives, shall repay to such purchaser or purchasers the moneys paid for the taxes and expenses as aforesaid, together with ten per centum per annum, as interest thereon, or make a tender thereof, or shall deposit the same in the hands of the Mayor of the city or other officer of the Corporation appointed to receive the same, for the use of such purchaser or purchasers, and subject to his, her, or their heirs, or legal representatives' order, of which such purchaser, his heirs, or legal representatives, shall be immediately informed by notice, in some newspaper printed in the city of Washington, or otherwise he, she, or they, shall be reinstated in his, her, or their, original right and title, as if no such sale had been made. And if any such purchaser shall fail to pay the residue of the purchase money as aforesaid, within the time required by this section, for any property so purchased by him, he shall pay ten per centum per annum, as interest thereon, and in addition to such residue, to be computed from the expiration of the two years as aforesaid, until the actual payment of such residue, and the receiving of a conveyance from the Corporation; and the said interest shall alike be subject to the order of the original proprietor or proprietors, as the residue of the purchase money as aforesaid: *Provided, also*, That no sale shall be made, in pursuance of this section, of any improved property whereon there is personal property of sufficient value to pay the said taxes; and that minors,

mortgagees, or others, having equitable interests in real property, which property shall be sold for taxes as aforesaid, shall be allowed one year after such minors' coming to or being of full age, or after such mortgagees and others, having equitable interests, obtaining possession of, or a decree for the sale of such property, to redeem the property so sold from the purchaser or purchasers, his, her, or their assigns, on paying the amount of purchase money so paid therefor, with ten per cent. interest thereon, as aforesaid, and all the taxes that have been paid thereon by the purchaser, or his assigns, between the day of sale and the period of such redemption, with ten per cent. interest on the amount of such taxes, and also the full value of the improvements which may have been made or erected on such property, by the purchaser, or his assigns, while the same was in his or their possession: *And provided, moreover*, That where the estate of the tenant in default, as for years, or for life or lives, shall be sufficient to defray the taxes chargeable thereupon, such estate only shall be liable to be sold under the provisions of this act.

SEC. 11. *And be it further enacted*, That it shall be lawful for the collector, or other officer, (duly authorized) to postpone, after such advertisement, the sale of any property advertised according to the provisions of the foregoing section, to any future day, for the want of bidders, he giving public notice of such postponement, and the sale, made at such postponed time, shall be equally valid as if made on the day stated in the advertisement.

SEC. 12. *And be it further enacted*, That the person or persons appointed to collect any tax imposed by virtue of the powers granted by this act, shall have authority to collect the same by distress and sale of the goods and chattels of the persons chargeable therewith; but no such sale shall be made unless ten days' previous notice thereof be given in some newspaper printed in the city of Washington, and the provisions of the acts of Assembly of Maryland, now in force within the county of Washington, relating to the right of replevying personal property taken in execution for public taxes, shall apply to all cases of personal property taken by distress to satisfy taxes imposed by virtue of this act.

SEC. 13. *And be it further enacted*, That the levy court of the county of Washington, in the District of Columbia, shall not possess the power of assessing any tax on property in the city of Washington; nor shall the Corporation of the said city be obliged to contribute, in any manner, towards the expenses or expenditures of said court, except for the one-half part of the expenses incurred on account of the orphans' court, the office of coroner, the jail of said county, and the opening and repairing of roads in the county of Washington, east of Rock Creek, leading directly to the city of Washington; but the said Corporation shall have the sole control and management of the bridge across or over Rock Creek, at the termination of K street north; and shall be chargeable with the expense of keeping the same in repair, and rebuilding it when necessary.

SEC. 14. *And be it further enacted*, That the clerk

of the circuit court, and the register of wills, for the county of Washington, respectively, shall furnish the register of the city, or other officer of the Corporation, appointed to receive the same, on or about the first Monday in January and July, in every year, correct lists of the transfers of real property in the city, during the next preceding half year, as far as can be ascertained by the records in their respective offices; and the said Corporation shall make to the said clerk and register of wills such compensation therefor, as shall be agreed on between the respective parties, not exceeding six cents for each transfer on such lists.

SEC. 15. *And be it further enacted*, That the Commissioner of the Public Buildings, or other person appointed to superintend the United States' disbursements in the City of Washington, shall reimburse to the said corporation a just proportion of any expense which may hereafter be incurred in laying open, paving, or otherwise improving, any of the streets or avenues in front of or adjoining to, or which may pass through or between, any of the public squares or reservations; which proportion shall be determined by a comparison of the length of the front or fronts of the said squares or reservations of the United States on any such street or avenue, with the whole extent of the two sides thereof; and he shall cause the curb-stones to be set, and foot-ways to be paved, on the side or sides of any such street or avenue, whenever the said corporation shall by law direct such improvements to be made by the proprietors of the lots on the opposite side of any such street or avenue, or adjacent to any such square or reservation; and he shall cause the foot-ways to be paved, and the curb-stones to be set, in front of any lot or lots belonging to the United States, when the like improvements shall be ordered by the corporation, in front of the lots adjoining or squares adjacent thereto; and he shall defray the expenses directed by this section out of any moneys arising from the sale of lots in the City of Washington belonging to the United States, and from no other fund.

SEC. 16. *And be it further enacted*, That the present Boards of Aldermen and Common Council shall, before the last Monday in May next, divide the said city into as many wards as in their opinion shall be most conducive to the interests of the city; and the Boards of Aldermen and Common Council may from time to time, as the interests of the city shall require, alter the number and boundaries of the said wards: *Provided*, That the said wards shall at all times be so laid off, altered, and bounded, that each ward shall comprise, as near as may be, an equal number of the inhabitants of the said city: *And provided, however*, That if such division shall not be made prior to the said last Monday in May, then the said city shall be divided into six wards, in manner following, to wit: All that part of said city westward of Sixteenth street west shall constitute the first; that part to the eastward of Sixteenth street west, and to the westward of Tenth street west, shall constitute the second; that part to the eastward of Tenth street west, to the westward of First street west, and to the northward of E street south, shall constitute the third;

that part to the eastward of First street west, to the westward of Eighth street east, and to the northward of E street south, shall constitute the fourth; that part to the eastward of Tenth street east, to the westward of Fourth street east, and to the southward of E street south, shall constitute the fifth; and the residue of the city shall constitute the sixth ward. The expenses which may be incurred in improving and repairing the streets which form the boundaries of the several wards shall be defrayed out of the taxes raised in the several wards which adjoin the same, respectively, in equal proportions; and the present Boards of Aldermen and Common Council shall, before the first Monday in June next, apportion by law such portions of the debt of the city as have been heretofore chargeable to the existing wards amongst the wards established by this section, upon just and equitable principles. And the Board of Aldermen shall, so soon as the same shall have been organized, on the second Monday in June next, divide the members into two classes, in manner following, to wit: Those members who are now in office, and by virtue of their election in June last shall be entitled to take their seats in the new board, as members from the wards in which they shall respectively reside, shall be placed in the first class; and those members who shall be elected from the same wards in June next shall be placed in the second class; and the other members shall be placed in their respective classes by lot; and the seats of the first class shall be vacated at the end of the first year, and the seats of the second class shall be vacated at the end of the second year; so that one member shall be elected in each ward every year thereafter. And the members of the Board of Aldermen shall be hereafter *ex officio* justices of the peace for the county of Washington, unless holding commissions in the Army or Navy of the United States.

SEC. 17. *And be it further enacted*, That this act shall continue in force for and during the term of twenty years, and until Congress shall by law determine otherwise.

Approved, May 15, 1820.

An Act providing for the better organization of the Treasury Department.

Be it enacted, &c., That it shall be the duty of such officer of the Treasury Department as the President of the United States shall, from time to time, designate for that purpose, as the agent of the Treasury, to direct and superintend all orders, suits, or proceedings, in law or equity, for the recovery of money, chattels, lands, tenements, or hereditaments, in the name, and for the use, of the United States.

SEC. 2. *And be it further enacted*, That, from and after the thirtieth day of September next, if any collector of the revenue, receiver of public money, or other officer, who shall have received the public money before it is paid into the Treasury of the United States, shall fail to render his account, or pay over the same in the manner, or within the time, required by law, it shall be the duty of the

First Comptroller of the Treasury to cause to be stated the account of such collector, receiver of public money, or other officer, exhibiting truly the amount due to the United States, and certify the same to the agent of the Treasury, who is hereby authorized and required to issue a warrant of distress against such delinquent officer and his sureties, directed to the marshal of the district in which such delinquent officer and his surety or sureties shall reside; and where the said officer and his surety or sureties shall reside in different districts, or where they, or either of them, shall reside in a district other than that in which the estate of either may be situate, which may be intended to be taken and sold, then such warrant shall be directed to the marshals of such districts, and to their deputies, respectively; therein specifying the amount with which such delinquent is chargeable, and such sums, if any, which have been paid. And the marshal authorized to execute such warrant, shall, by himself or by his deputy, proceed to levy and collect the sum remaining due, by distress and sale of the goods and chattels of such delinquent officer, having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town or county where the said goods or chattels were taken, or in the town or county where the owner of such goods or chattels may reside; and if the goods and chattels be not sufficient to satisfy the said warrant, the same may be levied upon the person of such officer, who may be committed to prison, there to remain until discharged by due course of law. Notwithstanding the commitment of such officer, or if he abscond, or if goods and chattels cannot be found sufficient to satisfy the said warrant, the marshal or his deputy may and shall proceed to levy and collect the sum which remains due by such delinquent officer, by the distress and sale of the goods and chattels of the surety or sureties of such officer; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town or county where the said goods or chattels were taken, or in the town or county where the owner of such goods or chattels resides. And the amount due by any such officer as aforesaid shall be, and the same is hereby declared to be, a lien upon the lands, tenements, and hereditaments, of such officer and his sureties, from the date of a levy in pursuance of the warrant of distress issued against him or them, and a record thereof made in the office of the clerk of the district court of the proper district, until the same shall be discharged according to law. And for want of goods and chattels of such officer, or his surety or sureties, sufficient to satisfy any warrant of distress issued pursuant to the provisions of this act, the lands, tenements, and hereditaments, of such officer, and his surety or sureties, or so much thereof as may be necessary for that purpose, after being advertised for at least three weeks in not less than three public places in the county or district where such real estate is situate, prior to the time of sale, may and shall be sold by the marshal of such district

or his deputy; and for all lands, tenements, or hereditaments, sold in pursuance of the authority aforesaid, the conveyance of the marshals or their deputies, executed in due form of law, shall give valid title against all persons claiming under such delinquent officer, or his surety or sureties. And all moneys which may remain of the proceeds of such sales, after satisfying the said warrant of distress, and paying the reasonable costs and charges of the sale, shall be returned to such delinquent officer or surety, as the case may be: *Provided*, That the summary process herein directed shall not affect any surety of any officer of the United States, who became bound to the United States before the passing of this act; but each and every such officer shall, on or before the thirtieth day of September next, give new and sufficient sureties for the performance of the duties required of such officer.

SEC. 3. *And be it further enacted*, That, from and after the thirtieth day of September next, if any officer employed, or who has heretofore been employed, in the civil, military, or naval departments of the Government, to disburse the public money appropriated for the service of those departments, respectively, shall fail to render his account, or to pay over, in the manner, and in the times, required by law, or the regulations of the department to which he is accountable, any sum of money remaining in the hands of such officer, it shall be the duty of the First or Second Comptroller of the Treasury, as the case may be, who shall be charged with the revision of the accounts of such officer, to cause to be stated, and certify, the account of such delinquent officer to the agent of the Treasury, who is hereby authorized and required immediately to proceed against such delinquent officer, in the manner directed in the preceding section, all the provisions of which are hereby declared to be applicable to every officer of the Government charged with the disbursement of the public money, and to their sureties, in the same manner, and to the same extent, as if they had been described and enumerated in the said section: *Provided, nevertheless*, That the said agent of the Treasury, with the approbation of the Secretary of the Treasury, in cases arising under this or the preceding section, may postpone, for a reasonable time, the institution of the proceedings required by this act, where, in his opinion, the public interest will sustain no injury by such postponement.

SEC. 4. *And be it further enacted*, That if any person should consider himself aggrieved by any warrant issued under this act, he may prefer a bill of complaint to any district judge of the United States, setting forth therein the nature and extent of the injury of which he complains, and thereupon the judge aforesaid may, if in his opinion the case requires it, grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the case requires; but no injunction shall issue till the party applying for the same shall give bond, and sufficient security, conditioned for the performance of such judgment as shall be awarded against the complainant, in such amount as the judge granting the injunction

shall prescribe; nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of such warrant. And the same proceedings shall be had on such injunction as in other cases, except that no answer shall be necessary on the part of the United States; and if, upon dissolving the injunction, it shall appear, to the satisfaction of the judge who shall decide upon the same, that the application for the injunction was merely for delay, in addition to the lawful interest which shall be assessed on all sums which may be found due against the complainant, the said judge is hereby authorized to add such damages as that, with the lawful interest, it shall not exceed the rate of ten per centum per annum on the principal sum.

SEC. 5. *And be it further enacted*, That such injunction may be granted or dissolved by such judge, either in or out of court.

SEC. 6. *And be it further enacted*, That if any person shall consider himself aggrieved by the decision of such judge, either in refusing to issue the injunction, or, if granted, on its dissolution, it shall be competent for such person to lay a copy of the proceedings had before the district judge, before a judge of the Supreme Court, to whom authority is hereby given, either to grant the injunction, or permit an appeal, as the case may be, if, in the opinion of such judge of the Supreme Court, the equity of the case requires it; and thereupon the same proceedings shall be had upon such injunction, in the circuit court, as are prescribed in the district court, and subject to the same conditions in all respects whatsoever.

SEC. 7. *And be it further enacted*, That the attorneys of the United States, for the several judicial districts of the United States, in the prosecution of all suits in the same, in the name and for the benefit of the United States, shall conform to such directions and instructions, touching the same, as shall, from time to time, be given to them respectively, by the said agent of the Treasury. And it shall, moreover, be the duty of each of the said attorneys, immediately after the end of every term of the district and circuit courts, or of any State court, in which any suit or action may be pending, on behalf of the United States, under the direction of any district attorney, to forward to the said agent of the Treasury a statement of the cases which have been decided, during the said term, together with such information touching such cases as may not have been decided, as may be required by the said officer.

SEC. 8. *And be it further enacted*, That it shall be the duty of the clerks of the district and circuit courts, within thirty days after the adjournment of each successive term of the said courts respectively, to forward to the said agent of the Treasury a list of all judgments and decrees which have been entered in the said courts respectively, during such term, to which the United States are parties, showing the amount which has been so adjusted or decreed for or against the United States, and stating the term to which execution thereon will be returnable. And it shall, in like manner, be the duty of the marshals of the several judicial dis-

tricts of the United States, within thirty days before the commencement of the several terms of the said courts, to make returns to the said agent, of the proceedings which have taken place upon all writs of execution or other process which have been placed in his hands for the collection of the money which had been so adjudged and decreed to the United States, in the said courts respectively.

SEC. 9. *And be it further enacted*, That nothing in this act contained shall be construed to take away or impair any right or remedy which the United States now have, by law, for the recovery of taxes, debts, or demands.

Approved, May 15, 1820.

An Act authorizing the building of a certain number of small Vessels of War, &c.

Be it enacted, &c., That the President of the United States is hereby authorized to cause to be built and equipped any number of small vessels of war (not exceeding five) which, in his judgment, the public service may require; the said vessels to be of a force not more than twelve guns each, according to the discretion of the President. And, for carrying this act into effect, the sum of sixty thousand dollars is hereby appropriated, to be paid out of any money in the Treasury, not otherwise appropriated.

Approved, May 15, 1820.

An Act to revive and continue in force an act, entitled "An act to provide for persons who were disabled by known wounds, received in the Revolutionary war," and for other purposes.

Be it enacted, &c., That the act, entitled "An act to provide for persons who were disabled by known wounds received in the Revolutionary war," passed on the tenth of April, one thousand eight hundred and six; and limited, as in said act declared, to the term of six years, and afterwards revived and continued in force by an act, entitled "An [act] to revive and continue in force 'An act to provide for persons who were disabled by known wounds received in the Revolutionary war,' and for other purposes, for and during the term of six years," as in the said act is declared, shall be, and the same is hereby, revived, and is continued in force for one year, and no longer, from the passing of this act: *Provided*, That this act shall not be construed to repeal or make void the fourth section of an act, entitled "An act concerning invalid pensions," passed the third of March, one thousand eight hundred and nineteen; but the said fourth section of the said last mentioned act shall be, and hereby is declared to be, in full force and effect; any thing in the said act, hereby revived and made perpetual, to the contrary notwithstanding.

SEC. 2. *And be it further enacted*, That the right any person now has, or may hereafter acquire, to receive a pension in virtue of any law of the United States, be considered to commence at the time of completing his testimony, pursuant to the act hereby revived and continued in force.

SEC. 3. *And be it further enacted*, That the agents for the payment of invalid pensioners of the Uni-

ted States shall, in future, be required to give bond, with two or more sureties, to be approved by the Secretary for the Department of War, in a sum not exceeding five thousand dollars, for the faithful discharge of the duties confided to them, respectively.

Approved, May 15, 1820.

An Act designating the ports within which only foreign armed vessels shall be permitted to enter.

Be it enacted, &c., That, after the first day of July, one thousand eight hundred and twenty, it shall not be lawful for any foreign armed vessels to enter any harbor belonging to the United States, excepting only those of Portland, Boston, New London, New York, Philadelphia, Norfolk, Smithville, in North Carolina, Charleston, and Mobile; unless when such vessels shall be forced in by distress; by the dangers of the sea, or by being pursued by an enemy, and be unable to make any of the ports above mentioned; in which cases, the commanding officer shall immediately report his vessel to the collector of the district, stating the object or causes of his entering such harbor; shall take such position therein as shall be assigned him by such collector; and shall conform himself to such regulations as shall be signified to him by the said collector, under the authority and directions of the President of the United States.

SEC. 2. And be it further enacted, That it shall be lawful for the President of the United States to employ such part of the land and naval forces of the United States, or the militia thereof, as he may deem necessary to enforce the provisions of the first section of this act; and the President shall also be authorized to employ such forces to prevent any foreign armed vessel from entering or remaining within any waters within the jurisdiction of the United States, except such as shall lie in her direct course in entering from sea, or leaving, to proceed to sea, either of the harbors above mentioned.

SEC. 3. And be it further enacted, That this act shall continue in force until the first day of July, one thousand eight hundred and twenty-two, and no longer.

Approved, May 15, 1820.

An Act for altering the times for holding the Circuit Court of the United States for the Western District of Pennsylvania.

Be it enacted, &c., That the terms of the district court for the western district of Pennsylvania, which are now directed by law to be holden on the first Mondays of the months of June and December, in each year, shall hereafter be holden for the said district, on the first Monday in May, and second Monday in October, in each year.

SEC. 2. And be it further enacted, That all actions, suits, process, pleadings, and other proceedings, commenced or pending in the said district court, shall be as good and valid to the said first Monday in May, and second Monday in October, in each year, as if this change had not been made, any law to the contrary notwithstanding.

SEC. 3. And be it further enacted, That appeals and writs of error shall lie from decisions in the said district court for the western district of Pennsylvania, when exercising the powers of a circuit court, to the Supreme Court of the United States, in the same manner as from circuit courts; and that so much of the fourth section of the act, entitled "An act to divide the State of Pennsylvania into two judicial districts," passed on the twentieth day of April, one thousand eight hundred and eighteen, as provides that writs of error shall lie from decisions in the said district court, to the circuit court in the eastern district of Pennsylvania be, and the same is hereby, repealed.

SEC. 4. And be it further enacted, That there shall be allowed to the district attorney, and to the marshal of the said western district of Pennsylvania, and the northern district of New York, the yearly sum of two hundred dollars each; to commence from the twentieth day of April, one thousand eight hundred and nineteen; to be paid quarterly, at the Treasury of the United States.

Approved, May 15, 1820.

An Act supplementary to an act, entitled "An Act concerning navigation."

Be it enacted, &c., That, from and after the thirtieth day of September next, the ports of the United States shall be and remain closed against every vessel owned wholly or in part by a subject or subjects of His Britannic Majesty, coming or arriving by sea, from any port or place in the province of Lower Canada, or coming or arriving from any port or place in the province of New Brunswick, the province of Nova Scotia, the islands of Newfoundland, St. Johns or Cape Breton, or the dependencies of any of them, the islands of Bermuda, the Bahama islands, the islands called Caicos, or the dependencies of any of them, or from any other port or place in any island, colony, territory, or possession under the dominion of Great Britain in the West Indies, or on the continent of America, south of the southern boundary of the United States, and not included within the act to which this act is supplementary. And every such vessel, so excluded from the ports of the United States, that shall enter or attempt to enter the same, in violation of this act, shall, with her tackle, apparel, and furniture, together with the cargo on board such vessel, be forfeited to the United States.

SEC. 2. And be it further enacted, That, from and after the thirtieth day of September next, the owner, consignee, or agent, of every vessel owned wholly or in part by a subject or subjects of His Britannic Majesty, which shall have been duly entered in any port of the United States, and on board of which shall have been there laden, for exportation, any article or articles of the growth, produce, or manufacture, of the United States, other than provisions and sea-stores necessary for the voyage, shall, before such vessel shall have been cleared outward at the custom-house, give bond, in a sum double the value of such article or articles, with one or more sureties, to the satisfaction of the collector, that the article or articles so laden on board such ves-

sel, for exportation, shall be landed in some port or place other than a port or place in any province, island, colony, territory, or possession, belonging to His Britannic Majesty, that is mentioned or described in this act, or in the act to which this act is supplementary. And every such vessel that shall sail, or attempt to sail, from any port of the United States, without having complied with the provisions aforesaid, by giving bond as aforesaid, shall, with her tackle, apparel, and furniture, together with the article or articles aforesaid, laden on board the same as aforesaid, be forfeited to the United States: *Provided*, That nothing herein contained shall be deemed or construed so as to violate any provision of the convention to regulate commerce between the territories of the United States and of His Britannic Majesty, signed the third day of July, one thousand eight hundred and fifteen.

SEC. 3. *And be it further enacted*, That, from and after the thirtieth day of September next, no goods, wares, or merchandise, shall be imported into the United States of America from the province of Nova Scotia, the province of New Brunswick, the islands of Cape Breton, St. Johns, Newfoundland, or their respective dependencies, from the Bermuda islands, the Bahama islands, the islands called Caicos, or either or any of the aforesaid possessions, islands, or places, or from any other province, possession, plantation, island, or place, under the dominion of Great Britain in the West Indies, or on the continent of America, south of the southern boundaries of the United States, except only such goods, wares, and merchandise, as are truly and wholly of the growth, produce, or manufacture, of the province, colony, plantation, island, possession, or place aforesaid, where the same shall be laden, and from whence such goods, wares, or merchandise, shall be directly imported into the United States; and all goods, wares, and merchandise, imported, or attempted to be imported, into the United States of America, contrary to the provisions of this act, together with the vessel on board of which the same shall be laden, her tackle, apparel, and furniture, shall be forfeited to the United States.

SEC. 4. *And be it further enacted*, That the form of the bond aforesaid shall be prescribed, and the same shall be discharged, and all penalties and forfeitures, incurred under this act, shall be sued for, recovered, distributed, and accounted for, and the same may be mitigated, or remitted, in the manner, and according to the provisions, of the act to which this act is supplementary.

Approved, May 15, 1820.

An Act to authorize the appointment of commissioners to lay out the road therein mentioned.

Whereas, by the continuation of the Cumberland road from Wheeling, in the State of Virginia, through the States of Ohio, Indiana, and Illinois, the lands of the States may become more valuable—

Be it enacted, &c., That the President of the United States be, and he is hereby, authorized to ap-

point three impartial and judicious persons, not being citizens of any of the States aforesaid, to be commissioners, and, in case of the death or resignation of any of them, to appoint other and like persons in their place, who shall have power carefully to examine the country between Wheeling in the State of Virginia, and a point on the left bank of the Mississippi river, to be chosen by said commissioners, between St. Louis, and the mouth of the Illinois river, and to lay out a road from Wheeling, aforesaid, to the point so to be chosen on the left bank of the river Mississippi; the said road to be on a straight line, or as nearly so as, having a due regard to the condition and situation of the ground and water-courses over which the same shall be laid out, shall be deemed expedient and practicable. And said commissioners shall have power to employ able surveyors, chainbearers, and other necessary assistants, in laying out said road; and so much of the lands of the United States as may be included within the same, shall be, and the same is hereby, reserved and excepted from the sales of the public lands. The said road to be eighty feet wide, and designated by marked trees, stakes, or other conspicuous monuments, at the distance of every quarter of a mile, and at every angle of deviation from a straight line. And the said commissioners shall cause to be made, and delivered to the President of the United States, an accurate plan of said road, so laid out by them as aforesaid, with a written report of their proceedings, describing therein the State lines crossed, and the marks, monuments, courses, and distances, by which the said road shall be designated; describing, also, the water-courses, and the nature and quality of the ground over which the same shall be laid out; they shall, moreover, divide said road into sections of not more than ten, nor less than five, miles long, noticing the materials that may be used in making and giving an estimate of the expense of making each section of the road aforesaid.

SEC. 2. *And be it further enacted*, That the commissioners, surveyors, chainbearers, and other necessary assistants, to be appointed in pursuance of this act, shall severally take an oath, or affirmation, faithfully and diligently to perform their respective duties, and shall receive, in full compensation for their services and expenses, each commissioner six dollars, each surveyor three dollars, and each other necessary assistant one dollar, for each day in which they shall be necessarily employed in the service aforesaid: *Provided, always, and it is hereby enacted and declared*, That nothing in this act contained, or that shall be done in pursuance thereof, shall be deemed or construed to imply any obligation on the part of the United States to make, or to defray the expense of making, the road hereby authorized to be laid out, or of any part thereof.

SEC. 3. *And be it further enacted*, That ten thousand dollars, to be paid out of any money in the Treasury not otherwise appropriated, be, and are hereby, appropriated to defray the expense of laying out the road aforesaid.

Approved, May 15, 1820.

Public Acts of Congress.

An Act for the relief of the inhabitants of the village of Peoria, in the State of Illinois.

Be it enacted, &c., That every person, or the legal representatives of every person, who claims a lot or lots in the village of Peoria, in the State of Illinois, shall, on or before the first day of October next, deliver to the register of the land office for the district of Edwardsville, a notice, in writing, of his or her claim; and it shall be the duty of the said register to make to the Secretary of the Treasury a report of all claims filed with the said register, with the substance of the evidence in support thereof; and, also, his opinion and such remarks respecting the claims as he may think proper to make; which report, together with a list of the claims which, in the opinion of said register, ought to be confirmed, shall be laid, by the Secretary of the Treasury, before Congress for their determination. And the said register shall be allowed twenty-five cents for each claim on which a decision shall be made, whether such decision shall be in favor or against the claims; which allowance shall be in full for his services under this act.

Approved, May 15, 1820.

An Act to impose a new tonnage duty on French ships and vessels.

Be it enacted, &c., That, in lieu of the tonnage duty now paid on French ships or vessels, there shall be paid a duty of eighteen dollars per ton, on all French ships or vessels which shall be entered in the United States, any act to the contrary notwithstanding: *Provided, however,* That nothing contained in this act shall be so construed as to prevent the extension of the provisions of the act, entitled "An act to repeal so much of the several acts imposing duties on the tonnage of ships and vessels, and on goods, wares, and merchandise, imported into the United States, as imposes a discriminating duty on tonnage between foreign vessels and vessels of the United States, and between the goods imported into the United States in foreign vessels and vessels of the United States," to French ships and vessels, and the goods imported therein, whenever the Government of France shall accede to the provisions of the act above referred to.

SEC. 2. *And be it further enacted,* That the tonnage duty laid, and directed to be paid, by this act, shall be collected and paid according to the provisions of the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one thousand seven hundred and ninety-nine.

SEC. 3. *And be it further enacted,* That this act shall commence and be in force from and after the first day of July, one thousand eight hundred and twenty.

Approved, May 15, 1820.

An Act to provide for the expense of surveying certain parts of the coast of North Carolina, and for other purposes.

Be it enacted, &c., That, for carrying into effect

a resolution directing a survey of certain parts of the coast of North Carolina, passed on the nineteenth day of January, in the year one thousand eight hundred and nineteen, the sum of five thousand dollars be, and the same is hereby, appropriated, to be paid out of any unappropriated money in the Treasury.

SEC. 2. *And be it further enacted,* That the sums respectively necessary to carry into effect the "Act for the relief of certain persons who have paid duties on certain goods imported into Castine," approved the eleventh day of April, in the present year, and also the "Act for the relief of Walter Channing," approved the eleventh day of April aforesaid, shall be paid out of any moneys in the Treasury not otherwise appropriated.

Approved, May 15, 1820.

An Act to amend an act "making reservation of certain public lands for naval purposes," passed first March, one thousand eight hundred and seventeen.

Be it enacted, &c., That so much of the first section of the act of Congress, passed on the first day of March, one thousand eight hundred and seventeen, entitled "An act making reservation of certain public lands for naval purposes," as empowers the Secretary of the Navy to appoint an agent or agents, and surveyor, be, and the same is hereby, repealed; and the duties and services required by said section be performed in future by such surveyors of public lands as may be designated by the President of the United States.

Approved, May 15, 1820.

An Act making appropriations for carrying into effect the treaties concluded with the Chippewa and Kickapoo nations of Indians.

Be it enacted, &c., That, for the purpose of carrying into effect the stipulation contained in the fourth article of the treaty concluded between the United States and the Chippewa nation of Indians, on the twenty-fourth of September, one thousand eight hundred and nineteen, and which was ratified by the President of the United States, by and with the advice and consent of the Senate, on the twenty-fifth day of March, one thousand eight hundred and twenty, there be, and hereby is, appropriated the sum of one thousand dollars, to be paid in silver, annually, forever, to the said Chippewa nation.

SEC. 2. *And be it further enacted,* That there be, and hereby is, appropriated, the sum of two thousand dollars, to carry into effect any other stipulations contained in the said treaty.

SEC. 3. *And be it further enacted,* That the sums herein appropriated be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 4. *And be it further enacted,* That, for the purpose of carrying into effect the stipulations contained in the third article of the treaty concluded between the United States and the tribe of Kickapoo Indians, of Vermillion, on the thirtieth day of August, one thousand eight hundred and nineteen, and which was ratified by the President of the United States, by and with the advice and con-

sent of the Senate, on the tenth day of May, one thousand eight hundred and twenty, there be, and is hereby, appropriated, the sum of two thousand dollars, to be paid annually, for ten years, out of any money in the Treasury not otherwise appropriated.

Approved, May 15, 1820.

An Act to continue in force the act entitled "An Act to provide for reports of the decisions of the Supreme Court," approved the third of March, one thousand eight hundred and seventeen.

Be it enacted, &c., That the act entitled "An act to provide for reports of decisions of the Supreme Court," approved the third day of March, one thousand eight hundred and seventeen be and the same is hereby continued in force for three years, and no longer.

Approved, May 15, 1820.

An Act to amend the act entitled "An act to amend the act authorizing the employment of an additional naval force."

Be it enacted, &c., That the second section of the act entitled "An act authorizing the employment of an additional naval force," passed on the thirty-first day of January, eighteen hundred and nine, be, and the same is hereby, amended, so far as to authorize the enlistment of able seamen, ordinary seamen, and boys, during the continuance of the service or cruise for which they shall be enlisted; not, however, to exceed the period of three years.

Approved, May 15, 1820.

An Act to provide for repairing the roof of the General Post Office, and to procure an engine for the protection of said building.

Be it enacted, &c., That the Postmaster General be, and he hereby is, directed to cause the roof of the General Post Office to be repaired and covered with slate; and, also, to procure and keep, for the protection of said building, an engine and apparatus, for extinguishing fire, and to cause to be built a suitable house for the safe keeping of such engine.

SEC. 2. *And be it further enacted,* That there be, and there is hereby, appropriated, to be paid out of the moneys arising from the postage of letters and packets, such sum as may be necessary for the purposes aforesaid, not exceeding six thousand and twenty dollars.

Approved, May 15, 1820.

An Act to increase the number of clerks in the Department of War.

Be it enacted, &c., That the Secretary of the Department of War be, and he is hereby, authorized and empowered to employ six additional clerks in his Department; and that the sum of six thousand dollars be, and the same is hereby, appropriated, for their compensation, to be paid out of any money in the Treasury not otherwise ap-

propriated. This act to continue in force for one year, and no longer.

Approved, May 15, 1820.

An Act to authorize the erection of a lighthouse on one of the Isles of Shoals, near Portsmouth, in New Hampshire.

Be it enacted, &c., That, as soon as the jurisdiction of such one of the Isles of Shoals, in the State of New Hampshire, in the State of Massachusetts, or in the State of Maine, as the President of the United States shall select for the site of a lighthouse, shall be ceded to, and the property thereof vested in, the United States, it shall be the duty of the Secretary of the Treasury to provide, by contract, which shall be approved by the President, for building a lighthouse on such island, to be so lighted as to be distinguishable from other lighthouses on the east and west of the same; and also to agree for the salary, wages, or hire, of the person or persons to be appointed by the President for the superintendence of the same.

SEC. 2. *And be it further enacted,* That the sum of five thousand dollars be, and the same is hereby, appropriated, for the purpose of building such lighthouse, to be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. *And be it further enacted,* That the Secretary of the Treasury be, and he is hereby, authorized to provide, by contract, for building lighthouses, erecting piers, beacons, or landmarks, and building and placing light-vessels, or boats, or buoys, on the following sites or shoals, to wit: A pier at the mouth of Kennebunk river, in the State of Maine; two lighthouses, one on Tenpound island, at the entrance into Gloucester harbor, and the other at Baker's island, near Salem, in the State of Massachusetts; a lighthouse at a proper site near the mouth of Genesee river, in the State of New York; a buoy on Southwest Ledge, and another on Adams's Fall, in or near to the harbor of New Haven, in the State of Connecticut: A light vessel at the end of Smith's Point Shoals, in the Chesapeake bay, in the State of Virginia: A lighthouse on Shell Castle island, in the State of North Carolina; or, in lieu thereof, a light vessel, to be moored in a proper place near the said island, if, in the opinion of the Secretary of the Treasury, the latter shall be preferred: A beacon and two buoys on proper sites in the channel leading to the harbor of Charleston, in the State of South Carolina: A lighthouse on a proper site in Mobile bay, in the State of Alabama; or, in lieu thereof, a light vessel in the said bay, if the same shall be preferred: A light vessel, should the same be deemed necessary by the Secretary of the Treasury, at the mouth of the Mississippi, in the State of Louisiana.

SEC. 4. *And be it further enacted,* That there be appropriated, out of any moneys in the Treasury not otherwise appropriated, the following sums of money, to accomplish the objects specified in this act, to wit: For erecting a pier at the mouth of Kennebunk river, a sum not exceeding five thousand dollars: for placing a bell near the lighthouse

on West Quoddy Head, a sum not exceeding one thousand dollars: for erecting two lighthouses, one on Tenpound island, and the other on Baker's island, and placing three buoys on the rocks and flats near Salem, a sum not exceeding nine thousand dollars: for defraying the expense of lighting the lighthouse on the south side of the harbor of Nantucket, and superintending the same, a sum not exceeding three hundred dollars: for a lighthouse near the mouth of Genesee river, a sum not exceeding five thousand dollars: for placing two buoys, one on Southwest Ledge, and the other on Adams's Fall, in or near the harbor of New Haven, a sum not exceeding three hundred dollars: for a light vessel, and placing the same at the end of Smith's Point Shoals, a sum not exceeding eight thousand dollars: for a lighthouse on Shell Castle island, or a light vessel, if preferred, a sum not exceeding fourteen thousand dollars: for a beacon and two buoys on proper sites in or near to the channel leading to Charleston harbor, a sum not exceeding six thousand five hundred dollars: for a lighthouse or light vessel, for Mobile bay, a sum not exceeding nine thousand dollars: for a light vessel at the mouth of the Mississippi, a sum not exceeding fifteen thousand dollars.

SEC. 5. *And be it further enacted*, That the Secretary of the Treasury be, and he is hereby, authorized, if he shall deem it expedient and proper, to build the lighthouse directed to be built on Sparrow's Point, in the State of Maryland, on North Point in said State; and also to substitute a light vessel for the lighthouse directed to be built on Craney island, at the mouth of Elizabeth river, in the State of Virginia.

SEC. 6. *And be it further enacted*, That to complete the lighthouses and light vessels heretofore directed to be built, there be appropriated, out of any moneys in the Treasury not otherwise appropriated, the following additional sums, to wit: For the lighthouses in the State of Maryland, a sum not exceeding six thousand six hundred dollars: for the lighthouse directed to be built between the mouth of Grand river, in the State of Ohio, and the mouth of Detroit river, in the Territory of Michigan, five thousand dollars: and for the lighthouses or light vessels for the State of Virginia, a sum not exceeding six thousand six hundred dollars.

SEC. 7. *And be it further enacted*, That no lighthouse, beacon, nor land-mark, shall be built or erected on any site previous to the cession of jurisdiction over the same being made to the United States.

Approved, May 15, 1820.

An Act to continue in force "An act to protect the commerce of the United States, and punish the crime of piracy," and also to make further provision for punishing the crime of piracy.

Be it enacted, &c., That the first, second, third, and fourth sections of an act, entitled "An act to protect the commerce of the United States, and punish the crime of piracy," passed on the third day of March, one thousand eight hundred and

nineteen, be and the same are hereby continued in force, from the passing of this act, for the term of two years, and from thence to the end of the next session of Congress, and no longer.

SEC. 2. *And be it further enacted*, That the fifth section of the said act be and the same is hereby continued in force, as to all crimes made punishable by the same, and heretofore committed, in all respects, as fully as if the duration of the said section had been without limitation.

SEC. 3. *And be it further enacted*, That if any person shall, upon the high seas, or in any open roadstead, or in any haven, basin, or bay, or in any river, where the sea ebbs and flows, commit the crime of robbery, in or upon any ship or vessel, or upon any of the ship's company of any ship or vessel, or the lading thereof, such person shall be adjudged to be a pirate; and being thereof convicted before the Circuit Court of the United States for the district into which he shall be brought, or in which he shall be found, shall suffer death. And if any person engaged in any piratical cruise or enterprise, or being of the crew or ship's company of any piratical ship or vessel, shall land from such ship or vessel, and on shore shall commit robbery, such person shall be adjudged a pirate, and, on conviction thereof before the Circuit Court of the United States for the district into which he shall be brought, or in which he shall be found, shall suffer death: *Provided*, That nothing in this section contained shall be construed to deprive any particular State of its jurisdiction over such offences, when committed within the body of a county, or authorize the courts of the United States to try any such offenders, after conviction or acquittance, for the same offence in a State court.

SEC. 4. *And be it further enacted*, That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel owned in whole or in part, or navigated for, or in behalf of, any citizen or citizens of the United States, shall land, from any such ship or vessel, and on any foreign shore seize any negro or mulatto, not held to service or labor by the laws of either of the States or Territories of the United States, with intent to make such negro or mulatto a slave, or shall decoy, or forcibly bring or carry, or shall receive, such negro or mulatto on board any such ship or vessel, with intent, as aforesaid, such citizen or person shall be adjudged a pirate, and on conviction thereof before the Circuit Court of the United States for the district wherein he may be brought or found, shall suffer death.

SEC. 5. *And be it further enacted*, That if any citizen of the United States, being of the crew or ship's company of any foreign ship or vessel engaged in the slave trade, or any person whatever, being of the crew or ship's company of any ship or vessel, owned wholly or in part, or navigated for, or in behalf of, any citizen or citizens of the United States, shall forcibly confine, or detain, or aid and abet in forcibly confining, or detaining, on board such ship or vessel, any negro, or mulatto,

not held to service by the laws of either of the States or Territories of the United States, with intent to make such negro or mulatto a slave, or shall, on board any such ship or vessel, offer or attempt to sell, as a slave, any negro or mulatto, not held to service as aforesaid, or shall, on the high seas, or anywhere on tide water, transfer, or deliver over, to any other ship or vessel, any negro, or mulatto, not held to service as aforesaid, with intent to make such negro or mulatto a slave, or shall land, or deliver on shore, from on board any such ship or vessel, any such negro or mulatto, with intent to make sale of, or having previously sold, such negro or mulatto, as a slave, such citizen, or person, shall be adjudged a pirate, and, on conviction thereof before the Circuit Court of the United States for the district wherein he shall be brought, or found, shall suffer death.

Approved, May 15, 1820.

An Act for the relief of persons holding confirmed unlocated claims for lands in the State of Illinois.

Be it enacted, &c., That all persons holding confirmed unlocated claims for land within the tract reserved by the third section of the act, entitled "An act confirming certain claims to land in the Illinois Territory, and providing for their location," passed the sixteenth day of April, in the year one thousand eight hundred and fourteen, be allowed until the first day of November, one thousand eight hundred and twenty, to register the same. And the said claims shall be receivable in payment for public lands within the said reserved tract, conformably with the provisions of the said act, and of the act, entitled "An act making further provision for settling claims to land in the Territory of Illinois," passed the twenty-sixth day of April, one thousand eight hundred and sixteen, at any time before the first day of November, one thousand eight hundred and twenty.

Approved, May 15, 1820.

An Act in addition to the act, entitled "An act making appropriations for the support of Government, for the year one thousand eight hundred and twenty," and for other purposes.

Be it enacted, &c., That the following sums be, and the same are hereby, appropriated—that is to say:

For compensation granted by law to the members of the Senate and House of Representatives, in addition to the appropriation heretofore made for that object, twenty-three thousand three hundred and forty dollars.

For rebuilding the public wharf, and repairing the public warehouses, on Staten Island, fifteen thousand dollars.

For graduating the Capitol square, putting the grounds in order, and planting trees within the same, two thousand dollars.

SEC. 2. *And be it further enacted,* That the several appropriations hereinbefore made shall be paid out of any moneys in the Treasury not otherwise appropriated.

SEC. 3. *And be it further enacted,* That the arrearages of the Department of War, from the first day of July, one thousand eight hundred and fifteen, to the first of July, one thousand eight hundred and seventeen, be paid out of the sum of one hundred and fifty thousand dollars already appropriated for arrearages prior to the first day of July, one thousand eight hundred and fifteen, any thing in the act, entitled "An act in addition to the several acts for the establishment and regulation of the Treasury, War, and Navy Departments," passed the first of May, one thousand eight hundred and twenty, to the contrary notwithstanding.

Approved, May 15, 1820.

An Act to provide for the building an addition to the custom-house now erecting in the city of New Orleans, for the use of the District Court of the United States for the State of Louisiana.

Be it enacted, &c., That the Secretary of the Treasury cause to be built an addition to the custom-house now erecting in the city of New Orleans, which shall contain rooms suitable for the use of the District Court of the United States for the State of Louisiana; and that so much of the appropriation for the erection of custom-houses and public warehouses, as shall be sufficient for that purpose, be, and the same is hereby declared to be, applicable to that object.

SEC. 2. *And be it further enacted,* That, as soon as the said building shall be completed, the Secretary of the Treasury shall be authorized and required to cause to be sold, at public sale, upon such terms, and in such manner, as he shall judge to be expedient, the house and lot in which the District Court is now held, and to cause the amount for which they shall be sold to be paid into the Treasury of the United States.

Approved, May 15, 1820.

An Act to authorize the Governor of Illinois to obtain certain abstracts of lands from certain public offices.

Be it enacted, &c., That it shall be the duty of the register of the United States land office at Vincennes, in the State of Indiana, to furnish to the Governor of the State of Illinois, when he shall apply for the same, a complete abstract of all the lands which have been purchased at that office, or which may hereafter be purchased, which lie within the State of Illinois, designating the name of each purchaser, and the time of making the purchase; for which he shall be entitled to receive, from such applicant, at the rate of ten cents for each separate entry, a copy whereof is required: *Provided, however,* That all the expense incurred by virtue of this act shall be defrayed by said State.

SEC. 2. *And be it further enacted,* That it shall be the duty of the Secretary of the Treasury, upon the application of the Governor of said State, to cause a complete abstract to be made out, for the use of said State, of all the military bounty lands which have been patented to the soldiers of the late army, lying within the same, designating the name of each patentee.

Approved, May 15, 1820.

Resolutions.

An Act granting to the State of Ohio the right of pre-emption to certain quarter sections of land.

Be it enacted, &c., That there be granted to the State of Ohio, at the minimum price for which the public lands are sold, the right of pre-emption to one quarter section, in or near the centre of each county, included in the purchase recently made of the Indians, by the treaty concluded at St. Mary's, on the twentieth day of September, one thousand eight hundred and eighteen, for the establishment of a seat of justice in the said counties: *Provided,* The purchase be made before the commencement of the public sales: *And provided also,* That the proceeds of the sale of each quarter section, which may be made under the authority of the State of Ohio, shall be appropriated for the purpose of erecting public buildings in said counties respectively, after deducting therefrom the sums originally paid by the State aforesaid: *And provided further,* That the seat of justice for said counties respectively shall be fixed on the lands so selected.

Approved, May 15, 1820.

RESOLUTIONS.

Resolution declaring the admission of the State of Alabama into the Union.

Whereas, in pursuance of an act of Congress, passed on the second day of March, one thousand eight hundred and nineteen, entitled "An act to enable the people of the Alabama Territory to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," the people of the said Territory did, on the second day of August, in the present year, by a convention called for that purpose, form for themselves a constitution and State government, which constitution and State government, so formed, is republican, and in conformity to the principles of the articles of compact between the original States and the people and States in the territory northwest of the river Ohio, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, so far as the same have been extended to the said territory by the articles of agreement between the United States and the State of Georgia—

Resolved, by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Alabama shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union, on an equal footing with the original States, in all respects whatever.

Approved, December 14, 1819.

Resolution for the further distribution of the Journal of the Convention which formed the Constitution of the United States.

Resolved, &c., That the Secretary of State be instructed to furnish to each member of the pres-

ent Congress, and the Delegates from Territories, (who may not be entitled to the same, under the resolution of Congress of the 27th of March, one thousand eight hundred and eighteen,) the President and Vice President of the United States, the Executive of each State and Territory, the Attorney General and Judges of the Courts of the United States, and the Colleges and Universities in the United States, each one copy; for the use of each of the Departments, viz: State, Treasury, War, and Navy, two copies each; for the use of the Senate, five copies; and for the use of the House of Representatives, ten copies, of the volumes containing the Journal, Acts, and Proceedings, of the Convention which formed the present Constitution of the United States; and that the residue of the copies of said Journal be deposited in the Library of Congress, for the use of the members.

Approved, January 19, 1820.

Resolution to authorize the publication of part of the Secret Journal of Congress, under the Articles of Confederation.

Resolved, &c., That the Secret Journal, together with all the papers and documents connected with that Journal, and all other papers and documents heretofore considered confidential, of the Old Congress, from the date of the ratification of the definitive treaty of peace between the United States and Great Britain, in the year one thousand seven hundred and eighty-three, to the formation of the present Government, now remaining in the office of the Secretary of State, be published, under the direction of the President of the United States, and that a thousand copies thereof be printed and deposited in the Library, subject to the disposition of Congress.—[Approved, April 21, 1820.]

Resolution for the distribution of certain copies of the Journal of the Convention which formed the Constitution.

Resolved, &c., That the Secretary of State be, and he is hereby, directed to transmit one copy of the Journal of the Federal Convention at Philadelphia, in one thousand seven hundred and eighty-seven, which formed the Constitution of the United States, to each of the members, now alive, of the said Convention.

Approved, May 8, 1820.

Resolution giving the consent of Congress to a compact concluded between the States of Kentucky and Tennessee, for the settlement of their Boundary Line.

Resolved, &c., That the consent of Congress be, and the same is hereby, given to a compact or agreement, made and concluded by, and between, the States of Kentucky and Tennessee, at Frankfort, in Kentucky, on the second day of February, one thousand eight hundred and twenty, to adjust and establish the boundary line between them, and for other purposes.

Approved, May 12, 1820.